

## SENATE—Monday, September 23, 1991

(Legislative day of Thursday, September 19, 1991)

The Senate met at 2:30 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. As we seek inspiration today from that God who holds aloft the scale in which the destinies of nations are weighed, the Senate will be led in prayer by the Chaplain, the Reverend Dr. Richard C. Halverson.

Dr. Halverson, please.

## PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Eternal God, Your Word is very precise:

*Righteousness exalteth a nation: but sin is a reproach to any people.—Proverbs 14:34. Blessed is the nation whose God is the Lord \* \* \*.—Psalm 33:12. And I will walk at liberty: for I seek thy precepts.—Psalm 119:45.*

God of our fathers, on this final day of Constitution Week we express our gratitude for this profound instrument to which, for 200 years, every national leader commits himself when he takes office. As we remember the Constitution, may we be reminded of the words of Thomas Jefferson upon which the Bill of Rights is based:

"We hold these truths to be self-evident that all men are created equal, that they are endowed by their Creator with certain inalienable Rights \* \* \*."

"Our fathers' God, to Thee,  
Author of liberty,  
To Thee we sing:  
Long may our land be bright,  
With freedom's holy light;  
Protect us by Thy might,  
Great God, our King,"

—"America," fourth verse.

Amen.

## RESERVATION OF LEADERSHIP TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, FISCAL YEAR 1992

The PRESIDENT pro tempore. The Senate will now proceed to the consideration of H.R. 2521, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2521) making appropriations for the Department of Defense for the fiscal

year ending September 30, 1992, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 2521

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1992, for military functions administered by the Department of Defense, and for other purposes, namely:

## TITLE I

## MILITARY PERSONNEL

## MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; **[\$24,526,100,000]** *\$24,136,000,000*: *Provided*, That the Army shall not involuntarily separate any military personnel, except for causes consistent with past policy.]

## MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; **[\$19,577,700,000]** *\$19,603,025,000*.

## MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; **[\$6,086,800,000]** *\$6,055,360,000*.

## MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; **[\$18,905,500,000]** *\$18,838,800,000*.

## RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 265, 3021, and 3038 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; **[\$2,320,800,000]** *\$2,298,800,000*.

## RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; **[\$1,718,600,000]** *\$1,710,600,000*.

## RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; **[\$354,900,000]** *\$342,400,000*.

## RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for

\* This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

personnel of the Air Force Reserve on active duty under sections 265, 8021, and 8038 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; [\$721,500,000] \$715,100,000.

#### NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 265, 3021, or 3496 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; [\$3,395,700,000] \$3,320,400,000.

#### NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 265, 8021, or 8496 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; \$1,145,500,000.

#### TITLE II

#### OPERATION AND MAINTENANCE

##### OPERATION AND MAINTENANCE, ARMY

##### [(INCLUDING TRANSFER OF FUNDS)]

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed \$14,437,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes; [\$18,362,945,000] \$20,913,805,000: *Provided*, That of the funds appropriated and made available in this paragraph, \$36,800,000 for Depot Maintenance, \$450,000,000 for Real Property Maintenance, and \$152,000,000 for Spares and Repair Parts shall not become available for obligation before September 1, 1992: *Provided further*, That \$350,000 shall be available for the 1992 Memorial Day Celebration and \$350,000 shall be available for the 1992 Capitol Fourth Project: *Provided further*, That notwithstanding section 2805 of title 10, United States Code, of the funds appropriated herein, \$4,000,000 shall be available only for a grant to the National D-Day Museum Foundation, and \$4,000,000 shall be available only for a grant to the Airborne and Special Operations Museum Foundation. These funds shall be available solely for

project costs and none of the funds are for remuneration of any entity or individual associated with fund raising for the project: *Provided further*, That \$350,000 shall be available only to the Oregon Department of Economic Development: *Provided further*, That \$40,000,000 shall be available only for procurement for the Extended Cold Weather Clothing System (ECWCS): *Provided further*, That of the funds appropriated, \$22,000,000 shall be transferred by the Secretary of the Army to the local educational authority at Fort Irwin, California for the construction of an elementary and a high school at Fort Irwin. The transfer of funds to the local educational authority at Fort Irwin is contingent upon an agreement from the local educational authority to assume responsibility for the operation and maintenance of such elementary and high school. In addition, impact aid cannot be reduced to the Fort Irwin school district because of this specific increased funding grant: *Provided*, That \$26,000,000 shall be available only for procurement of the Extended Cold Weather Clothing System (ECWCS): *Provided further*, That of the funds appropriated under this heading, \$20,000,000 shall be available only for the upgrade of facilities and equipment at the Army's Combat Training Centers.

##### OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed \$4,609,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes; [\$21,394,932,000] \$23,012,390,000: *Provided*, That of the funds appropriated and made available in this paragraph, \$600,000,000 for Depot Maintenance, \$330,000,000 for Real Property Maintenance, and \$168,000,000 for Spares and Repair Parts shall not become available for obligation before September 1, 1992: *Provided*, That of the funds appropriated under this heading, \$78,000,000 shall be available only for shipyard modernization projects to remain available for obligation until September 30, 1994: *Provided further*, That from the amounts of this appropriation for the alteration, overhaul and repair of naval vessels and aircraft, funds shall be available to acquire the alteration, overhaul and repair by competition between public and private shipyards, Naval Aviation Depots and private companies. The Navy shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private shipyards, Naval Aviation Depots, and private companies. Competitions shall not be subject to section 2461 or 2464 of title 10, United States Code, or to Office of Management and Budget Circular A-76. Naval Aviation Depots may perform manufacturing in order to compete for production contracts: *Provided further*, That funds appropriated or made available in this Act shall be obligated and expended to restore and maintain the facilities, activities and personnel levels, including specifically the medical facilities, activities and personnel levels, at the Memphis Naval Complex, Millington, Tennessee, to the fiscal year 1984 levels: *Provided further*, That not less than \$2,000,000 shall be made available to the Secretary of the Navy for a study, to be submitted to the Committees on Appropriations no later than August 1, 1992, on the costs of improving the Port of Haifa, Israel, and facilities in the immediate vicinity, to accommodate the full complement of services required for the maintenance, repair and associated tasks needed to support a carrier battle group.

nance, repair and associated tasks needed to support a carrier battle group.

##### OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law; [\$2,082,500,000] \$2,109,665,000: *Provided*, [That of the funds appropriated and made available in this paragraph, \$27,200,000 for Depot Maintenance, \$70,000,000 for Real Property Maintenance, and \$78,000,000 for Spares and Repair Parts shall not become available for obligation before September 1, 1992]: *Provided further*, That none of the funds appropriated in this paragraph may be used for the conversion of facilities maintenance, utilities, and motor transport functions at Cherry Point Marine Corps Air Station, North Carolina, to performance by private contractor under the procedures and requirements of OMB Circular A-76 until the General Accounting Office completes their audit and validates the decision: *Provided further*, That of the funds appropriated in this paragraph \$296,195,000 shall not be obligated or expended until authorized by law.]

##### OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed \$8,646,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes; [\$17,660,213,000] \$19,242,014,000: *Provided*, That of the funds appropriated and made available in this paragraph, \$136,000,000 for Depot Maintenance, \$150,000,000 for Real Property Maintenance, and \$100,000,000 for Spares and Repair Parts shall not become available for obligation before September 1, 1992.]

##### OPERATION AND MAINTENANCE, DEFENSE AGENCIES

##### [(INCLUDING TRANSFER OF FUNDS)]

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law; [\$18,599,037,000, of which not to exceed \$25,000,000 may be available for the CINC initiative fund account; and of which] and not to exceed \$15,743,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes; \$8,635,768,000: *Provided*, That of the funds appropriated by this paragraph, \$760,535,000 shall be available for the Special Operations Command, of which \$76,912,000 shall be transferred to the Operation and Maintenance appropriations of the Reserve Components for execution: *Provided further*, That of the funds appropriated and made available in this paragraph, \$102,000,000 for Spares and Repair Parts shall not become available for obligation before September 1, 1992: *Provided further*, That of the funds appropriated in this paragraph, \$81,400,000 shall be available only to maintain the operations and personnel levels of a 185-bed facility either at Letterman Hospital or by using contractual services at or near the Presidio, in San Francisco, California: *Provided*, That of the funds appropriated under this heading, \$1,000,000 shall be available to the Office of the Secretary of Defense only for the development and establishment of gainsharing projects: *Provided further*, That of the funds appropriated



under this heading, \$750,000 shall be available only for the conduct and preparation of an inventory of all the real property in the State of Hawaii that is owned or controlled by the United States Department of Defense and its components: Provided further, That of the funds appropriated under this heading, \$5,000,000 shall be available only for the establishment and administration of a commission, to be known as the "Defense Conversion Commission": Provided further, That:

(a) Of the funds appropriated under this heading not less than \$25,000,000 shall be made available only for the continued implementation of the Legacy Resource Management Program: Provided, That of this amount, not less than \$10,000,000 shall be available only for use in implementing cooperative agreements to identify, document, and maintain biological diversity on military installations: Provided further, That funds appropriated for the Legacy Resource Management Program shall be made available for the purposes set forth in section 8120 of Public Law 101-511 and for implementing such cooperative agreements as may be concluded between the Department of Defense and other governmental and nongovernmental organizations or entities: Provided further, That the Deputy Assistant Secretary of Defense for Environment shall provide the Committee with a report on the status of the Legacy program and a five year plan for its development no later than June 30, 1992.

(b) Sections 8120(c) and (d) of the Department of Defense Appropriations Act, 1991 (Public Law 101-511; 104 Stat. 1905) are each amended by striking out "Deputy Assistant Secretary of Defense for Environment" and inserting "Deputy Assistant Secretary of Defense (Environment)" in lieu thereof.

(c) Section 8120(d) of the Department of Defense Appropriations Act, 1991 (Public Law 101-511; 104 Stat. 1905), as amended by subsection (a), is further amended by—

(1) striking out "seek the participation of" and inserting "involve" in lieu thereof, and

(2) by adding the following new sentences at the end of such section: "He shall also involve State and local agencies and not-for-profit organizations with special expertise in areas related to the purposes of the Legacy Program. Services of State and local agencies and not-for-profit organizations may be obtained by contract, cooperative agreement, or grant to assist the Department of Defense in fulfilling the purposes of the Legacy program."

[Provided further, That of the funds appropriated in this paragraph \$8,246,454,000 shall not be obligated or expended until authorized by law] Provided further, That not less than \$2,000,000 shall be made available only for a feasibility study on the use of a rotary reactor thermal destruction technology in the treatment and disposal of waste regulated under the Resource Conservation and Recovery Act of 1976.

#### OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; [\$995,600,000] \$962,200,000: Provided, That of the funds appropriated in this paragraph, \$49,050,000 shall not be obligated or expended until authorized by law.]

#### OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and

administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; [\$825,500,000] \$840,600,000: Provided, That of the funds appropriated in this paragraph, \$28,803,000 shall not be obligated or expended until authorized by law.]

#### OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; [\$85,900,000] \$81,700,000: Provided, That of the funds appropriated in this paragraph, \$7,673,000 shall not be obligated or expended until authorized by law.]

#### OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; [\$1,091,200,000] \$1,077,000,000: Provided, That of the funds appropriated in this paragraph, \$23,840,000 shall not be obligated or expended until authorized by law.]

#### OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); [\$2,165,600,000] \$2,125,800,000: Provided, That of the funds appropriated in this paragraph, \$68,460,000 shall not be obligated or expended until authorized by law.]

#### OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things; hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the

Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; [\$2,275,700,000] \$2,276,300,000: Provided, That of the funds appropriated in this paragraph, \$32,584,000 shall not be obligated or expended until authorized by law.]

#### NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, ARMY

For the necessary expenses and personnel services (other than pay and non-travel-related allowances of members of the Armed Forces of the United States, except for members of the Reserve components thereof called or ordered to active duty to provide support for the national matches) in accordance with law, for construction, equipment, and maintenance of rifle ranges; the instruction of citizens in marksmanship; the promotion of rifle practice; the conduct of the national matches; the issuance of ammunition under the authority of title 10, United States Code, sections 4308 and 4311; the travel of rifle teams, military personnel, and individuals attending regional, national, and international competitions; and the payment to competitors at national matches under section 4312 of title 10, United States Code, of subsistence and travel allowances under section 4313 of title 10, United States Code; not to exceed \$5,000,000 of which not to exceed \$7,500 shall be available for incidental expenses of the National Board: Provided, That of the funds appropriated in this paragraph, \$1,000,000 shall not be obligated or expended until authorized by law: Provided, That the President shall assess the contributions to military readiness provided by the National Board for the Promotion of Rifle Practice, and report to the Congress the anticipated impact of the termination of funding by the Department of Defense for the activities and operations of the National Board not later than March 1, 1992.

#### COURT OF MILITARY APPEALS, DEFENSE

For salaries and expenses necessary for the United States Court of Military Appeals; \$5,500,000, and not to exceed \$2,500 can be used for official representation purposes.

#### ENVIRONMENTAL RESTORATION, DEFENSE (INCLUDING TRANSFER OF FUNDS)

For the Department of Defense; [\$2,152,900,000] \$1,183,900,000, to remain available until transferred: Provided, [That of the funds appropriated and made available in this paragraph, \$900,000,000 shall not become available for obligation before September 1, 1992: Provided further,] That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, research and development associated with hazardous wastes and removal of unsafe buildings and debris of the Department of Defense, or for similar purposes (including programs and operations at sites formerly used by the Department of Defense), transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense as the Secretary may designate, to be merged with and to be available for the same purposes and for the same time period as the appropriations of funds to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation:]

Provided further, That of the funds appropriated in this paragraph, \$900,000,000 shall not be obligated or expended until authorized by law.]

#### HUMANITARIAN ASSISTANCE

For transportation for humanitarian relief for refugees of Afghanistan, acquisition and shipment of transportation assets to assist in the distribution of such relief, and for transportation and distribution of humanitarian and excess nonlethal supplies for worldwide humanitarian relief, as authorized by law; [\$15,000,000] \$13,000,000, to remain available for obligation until September 30, 1993: *Provided*, That the Department of Defense shall notify the Committees on Appropriations and Armed Services of the Senate and House of Representatives [21] 15 days prior to the shipment of humanitarian relief which is intended to be transported and distributed to countries not previously authorized by Congress: *Provided further*, That of the funds appropriated in this paragraph, \$2,000,000 shall not be obligated or expended until authorized by law.]

#### WORLD UNIVERSITY GAMES

For logistical support and personnel services including initial planning for security needs (other than pay and nontravel related allowances of members of the Armed Forces of the United States, except for members of the Reserve components thereof called or ordered to active duty to provide support for the World University Games) provided by any component of the Department of Defense to the World University Games; [\$3,000,000] \$1,000,000.

#### SUMMER OLYMPICS

For logistical support and personnel services (other than pay and nontravel related allowances of members of the Armed Forces of the United States, except for members of the Reserve components thereof called or ordered to active duty to provide support for the 1996 Games of the XXVI Olympiad to be held in Atlanta, Georgia) provided by any component of the Department of Defense to the 1996 games of the XXVI Olympiad; \$2,000,000.

#### REAL PROPERTY MAINTENANCE, DEFENSE

For the maintenance of real property of the Department of Defense, \$1,000,000,000 to remain available for obligation until September 30, 1993: *Provided*, That such funds shall be available only for repairing property which has been defined by the Defense Department as part of a backlog of maintenance and repair projects in the justification material accompanying the President's budget request for fiscal year 1992: *Provided further*, That such funds shall be allocated by the Comptroller, Department of Defense for the projects determined by the Department of Defense as the highest priority for repair.

### TITLE III

#### PROCUREMENT

##### AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and

other expenses necessary for the foregoing purposes; [\$1,730,787,000] \$1,640,200,000, to remain available for obligation until September 30, 1994.

##### MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; [\$1,109,595,000] \$1,009,456,000, to remain available for obligation until September 30, 1994.

##### PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; [\$1,084,813,000] \$1,003,096,000, to remain available for obligation until September 30, 1994.

##### PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; [\$1,364,859,000] \$1,325,421,000, to remain available for obligation until September 30, 1994: *Provided*, That with funds herein appropriated or otherwise available to the Army and the Navy, the services shall jointly evaluate NATO classified NDI plastic ammunition containers as an alternative to current plans for packaging 81mm mortar ammunition and report the results of such evaluation to the Congress by March 1, 1992: *Provided further*, That of the funds appropriated in this paragraph, \$98,459,000 shall not be obligated or expended until authorized by law.]

##### OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and nontracked combat vehicles; the purchase of not to exceed 225 passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ord-

nance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; [\$3,021,435,000] \$3,013,798,000, to remain available for obligation until September 30, 1994.

##### AIRCRAFT PROCUREMENT, NAVY (INCLUDING TRANSFER OF FUNDS)

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; [\$7,683,633,000] \$7,025,920,000, to remain available for obligation until September 30, 1994: *Provided*, That \$851,600,000 of the funds appropriated in the Department of Defense Appropriations Act, 1991 (Public Law 101-511) under the heading "Research, Development, Test and Evaluation, Navy" shall be transferred to "Aircraft Procurement, Navy": *Provided further*, That the funds transferred are to be available for the same time period as the appropriation from which transferred and for the same purposes as the appropriation to which transferred: *Provided further*, That of the funds appropriated in this paragraph, \$174,103,000 shall not be obligated or expended until authorized by law.]

##### WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, other ordnance and ammunition, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interest therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; as follows:

[Ballistic Missile Programs, \$1,204,166,000;  
[Other Missile Programs, \$2,360,879,000;  
[Torpedoes and Related Equipment, \$689,456,000;  
[Other Weapons, \$130,123,000;  
[Other Ordnance, \$234,292,000;  
[Other, \$107,879,000;

In all: \$4,726,795,000; \$4,611,848,000, to remain available for obligation until September 30, 1994.

##### SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for



vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

[SSN-21 attack submarine program, \$1,903,225,000;

[DDG-51 destroyer program, \$3,330,337,000;

[LHD-1 amphibious assault ship program, \$972,000,000;

[LSD-41 dock landing ship cargo variant program, \$245,134,000;

[MHC coastal mine hunter program, \$231,096,000;

[T-AGOS surveillance ship program, \$149,000,000;

[AOE combat support ship program, \$500,000,000;

[LCAC landing craft air cushion program, \$807,102,000;

[Oceanographic ship program, \$41,200,000;

[Sealift and Preposition ship program, \$1,300,000,000;

[For craft, outfitting, and post delivery, \$510,771,000;

[For inflation and Public Law 85-804 settlement, \$599,900,000: *Provided*, That up to \$75,000,000 shall be available for payments pursuant to settlement of Public Law 85-804 claims for T-AGS 39 and T-AGS 40;

[For first destination transportation, \$5,939,000;

In all: \$10,595,704,000; \$7,725,382,000, to remain available for obligation until September 30, 1996: *Provided*, That additional obligations may be incurred after September 30, 1996, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds herein provided for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign shipyards for the construction of major components of the hull or superstructure of such vessel: *Provided further*, That none of the funds herein provided shall be used for the construction of any naval vessel in foreign shipyards: *Provided further*, That of the funds appropriated in this paragraph, \$2,096,504,000 shall not be obligated or expended until authorized by law].

#### OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed 651 passenger motor vehicles of which 621 shall be for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; [\$6,574,568,000] \$6,306,544,000, to remain available for obligation until September 30, 1994.

#### PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, ammunition, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equip-

ment layaway; vehicles for the Marine Corps, including the purchase of not to exceed 45 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired and construction prosecuted thereon prior to approval of title; [\$1,043,218,000] \$1,100,570,000, to remain available for obligation until September 30, 1994.

#### AIRCRAFT PROCUREMENT, AIR FORCE

##### (INCLUDING TRANSFER OF FUNDS)

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; [\$7,444,121,000] \$10,349,396,000, and in addition, \$722,200,000 shall be derived by transfer from "Research, Development, Test and Evaluation, Navy, 1990/1991", to remain available for obligation until September 30, 1994: *Provided*, That none of the funds provided under this heading shall be available for procurement of the B-2 bomber unless and until a supplemental appropriations Act, providing for the obligation of funds for the B-2, has been enacted into law and until the Secretary of Defense has submitted certification to the congressional defense committees on the performance of the B-2 bomber as required under section 118(c) of S. 1507, the National Defense Authorization Act, as it passed the Senate on August 2, 1991.

#### MISSILE PROCUREMENT, AIR FORCE

##### (INCLUDING TRANSFER OF FUNDS)

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; [\$5,243,841,000] \$5,332,671,000, to remain available for obligation until September 30, 1994, and in addition, \$95,500,000 shall be derived by transfer from "Research, Development, Test and Evaluation, Air Force, 1991/1992" to remain available for obligation until September 30, 1992: *Provided*, That notwithstanding section 163 of Public Law 101-189 funds may be obligated to undertake full-rate production of the Advanced Medium Range Air-to-Air Missile (AMRAAM) after the Director of Operational Test and Evaluation (pursuant to section 138 of title 10, United States Code) submits the beyond low-rate initial production report required by section 2399(b)(2) of title 10, United States Code, stating that AMRAAM is operationally effective and suitable].

#### OTHER PROCUREMENT, AIR FORCE

##### (INCLUDING TRANSFER OF FUNDS)

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 408 passenger motor vehicles of which 285 shall be for replacement only; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; [\$8,001,524,000] \$7,859,296,000, to remain available for obligation until September 30, 1994, and in addition, \$99,323,000 shall be derived by transfer from "Missile Procurement, Air Force, 1991/1993" to remain available for obligation until September 30, 1993.

#### NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces; [\$1,292,500,000] \$667,300,000, to remain available for obligation until September 30, 1994: *Provided*, That of the funds appropriated in this paragraph, \$642,500,000 shall not be obligated or expended until authorized by law].

#### PROCUREMENT, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 337 passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; [\$2,708,446,000] \$2,087,400,000, to remain available for obligation until September 30, 1994, of which \$972,815,000 shall be available for the Special Operations Command: *Provided*, That of the funds appropriated in this paragraph, \$132,096,000 shall not be obligated or expended until authorized by law].

#### [DEFENSE PRODUCTION ACT PURCHASES]

[For purchases or commitments to purchase metals, minerals, or other materials by the Department of Defense pursuant to section 303 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2093); \$25,000,000, to remain available until expended: *Provided*, That none of these funds shall be obligated for any metal, mineral, or material, unless a Presidential determination has been made in accordance with the Defense Production Act: *Provided further*, That the Department of Defense shall notify the Committees on Appropriations of the House of Representatives and the Senate thirty days prior to the release of funds for any metal, mineral, or material not previously approved by Congress: *Provided further*, That funds appropriated in this paragraph shall not be obligated or expended until authorized by law.

#### PROCUREMENT OF PREPOSITIONING EQUIPMENT, DEFENSE

[For procurement of missiles, tracked combat vehicles, ammunition, other weapons, communications, and other procurement for the Department of Defense prepositioning program, \$995,000,000, to remain available for obligation until September 30, 1994: *Provided*, That funds appropriated in this paragraph shall not be obligated or expended until authorized by law.]

#### PROCUREMENT OF SEALIFT AND PREPOSITIONING EQUIPMENT, DEFENSE

For construction and conversion of sealift ships and procurement of missiles, tracked combat vehicles, ammunition, other weapons, communications, and other procurement necessary for the Department of Defense sealift and prepositioning programs, \$2,000,000,000, to remain available for obligation until September 30, 1996.

#### TITLE IV

#### RESEARCH, DEVELOPMENT, TEST AND EVALUATION

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; [\$6,241,621,000] \$6,280,361,000, to remain available for obligation until September 30, 1993], of which not less than \$6,300,000 is available only for the Vectored Thrust Combat Agility Demonstrator flight test program utilizing the Vectored Thrust Ducted Propeller upon successful completion of Phase I of this demonstration project]: *Provided*, That not more than \$25,000,000 shall be available for obligation for the Common Chassis Advanced Technology Transition Demonstration portion of the Armored Systems Modernization program until thirty days after the President has submitted to the Congress a National Intelligence Estimate of potential adversarial armored and antiarmor systems and capabilities: *Provided further*, That \$2,000,000 shall be available only to establish a Center for Prostate Disease Research at the Walter Reed Army Institute of Research.

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; [\$7,464,910,000] \$7,666,142,000, to remain available for obligation until September 30, 1993]: *Provided*, That for continued research and development programs at the National Center for Physical Acoustics, centering on ocean acoustics as it applies to advanced anti-submarine warfare acoustics issues with focus on ocean bottom acoustics—seismic coupling, sea-surface and bottom scattering, oceanic ambient noise, underwater sound propagation, bubble related ambient noise, acoustically active surfaces, machinery noise, propagation physics, solid state acoustics, electrorheological fluids, transducer development, ultrasonic sensors, and other such projects as may be agreed upon, \$1,000,000 shall be made available, as a grant, to the Mississippi Resource Development Corporation, of which not to exceed \$250,000 of such sum may be used to provide such special equipment as may be required for particular projects: *Provided further*, That none of the funds appropriated in this paragraph are available for development of upgrades to the P-3 aircraft that do not include the AN/

UY-2 Enhanced Modular Signal Processor: *Provided further*, That none of the funds appropriated in this paragraph are available for development of upgrades to the Surveillance Towed Array Sensor System that do not include the AN/UY-2 Enhanced Modular Signal Processor].

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; [\$14,263,941,000] \$14,123,675,000, to remain available for obligation until September 30, 1993], of which not less than \$30,000,000 is available only for the National Center for Manufacturing Sciences: *Provided*, That not less than \$2,500,000 of the funds appropriated in this paragraph are available only for continuing the research program on development of coal based high thermal stability and endothermic jet fuels, including exploratory studies on direct conversion of coal to thermally stable jet fuels: *Provided further*, That \$8,000,000 of the funds appropriated in this paragraph shall be available only for a side-by-side evaluation of the ALR-56M and the ALR-62L radar warning receivers: *Provided further*, That none of the funds appropriated by this paragraph may be used for the B-1B ALQ-161 CORE program or an advanced radar warning receiver, except for costs associated with the side-by-side testing of the ALR-56M and the ALR-62L, until the Air Force submits and Congress approves a plan for correction of B-1B operational shortfalls and the estimated cost of these corrections: *Provided further*, That \$5,700,000 is available only for the U.S./U.S.S.R. Joint Seismic Program administered by the Incorporated Research Institutions for Seismology]: *Provided*, That of the funds appropriated under this heading, \$250,956,000 shall be available only for the Peacekeeper/Rail Garrison program, and of that amount, \$15,000,000 shall be available only for the purposes of conducting a flight test of a Peacekeeper missile from a Rail Garrison basing mode train.

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE AGENCIES

##### [(INCLUDING TRANSFER OF FUNDS)]

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; [\$8,979,141,000] \$9,393,542,000, to remain available for obligation until September 30, 1993], of which \$266,970,000 shall be available for the Special Operations Command: *Provided*, That not less than \$171,000,000 of the funds appropriated in this paragraph are available only for the Extended Range Interceptor (ERINT): *Provided further*, That not less than \$30,000,000 of the funds appropriated in this paragraph shall be made available as a grant to the National Biomedical Research Foundation for laboratory efforts associated with major research programs in neurology, oncology, virology, cardiology, pediatrics and associated specialty areas of critical importance to the Veterans Administration and the Department of Defense: *Provided further*, That not less than \$10,000,000 of the funds appropriated in this paragraph shall be available only for an Experimental Program to Stimulate

Competitive Research (ESPCoR) in the Department of Defense which shall include all States eligible for the National Science Foundation Experimental Program to Stimulate Competitive Research: *Provided further*, That the Secretary of Defense shall transfer \$20,000,000 of amounts appropriated for research, development, test and evaluation for Defense Agencies for fiscal year 1991 to the Department of Energy for the Environmental and Molecular Sciences Laboratory: *Provided further*, That none of the funds in this paragraph may be obligated for the development of the Superconducting Magnetic Energy Storage System unless its processes, materials, and components are substantially manufactured in the United States]: *Provided*, That of the funds appropriated for fiscal year 1991 under the heading "Research, Development, Test and Evaluation, Defense Agencies", \$5,000,000 shall be obligated for the Critical Technologies Institute within 90 days after enactment of this Act: *Provided further*, That of the funds appropriated for fiscal year 1991 under the heading "Research, Development, Test and Evaluation, Defense Agencies", any unobligated funds provided for the Superconductive Magnetic Energy Storage Program shall be obligated within 120 days after enactment of this Act: *Provided further*, That the Secretary of Defense shall complete the Phase One contractor down-selection process for the Superconductive Magnetic Energy Storage Program within 60 days after enactment of this Act: *Provided further*, That of the funds appropriated in Public Law 101-511 for Research, Development, Test and Evaluation, Defense Agencies, \$25,000,000 provided for the Strategic Environmental Research Program may only be obligated for the procurement, installation and operation of a supercomputer to support the Arctic Region Supercomputing Center.

##### DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, of independent activities of the Deputy Director of Defense Research and Engineering (Test and Evaluation) in the direction and supervision of developmental test and evaluation, including performance and joint developmental testing and evaluation; and administrative expenses in connection therewith; [\$221,300,000] \$215,764,000, to remain available for obligation until September 30, 1993.

##### OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith; \$14,200,000, to remain available for obligation until September 30, 1993.

#### TITLE V

##### DEFENSE BUSINESS OPERATIONS FUND

[There is established on the books of the Treasury a Fund to be known as the "Defense Business Operations Fund" under which the following amounts are appropriated to the Defense Business Operations Fund established by this title:

[Defense Business Operations Fund, Army Stock Fund Division, \$827,300,000; and

[Defense Business Operations Fund, Air Force Stock Fund Division, \$1,616,800,000:

*Provided*, That such divisions shall maintain their separate identity and separate manage-



ment structures and shall be reflected on the books of the Treasury as divisions of the Defense Business Operations Fund which shall reflect only the balances of such funds appropriated pursuant to this paragraph separately in accordance with the fund to which they applied prior to the enactment of this title: *Provided further*, That during the current fiscal year no functions, activities, funds or accounts may be assigned, transferred or otherwise added to the existing fund as established in this paragraph: *Provided further*, That funds appropriated herein for such funds shall not be transferred between or among the divisions of such funds: *Provided further*, That of the funds appropriated in this paragraph, \$24,000,000 shall not be obligated or expended until authorized by law.]

For the Defense Business Operations Fund; \$3,400,200,000.

#### TITLE VI

#### OTHER DEPARTMENT OF DEFENSE PROGRAMS

##### CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986, as follows: for Operation and maintenance, [\$208,698,000] \$210,900,000; for Procurement, [\$229,202,000] \$250,000,000 to remain available until September 30, 1994; for Research, development, test and evaluation, \$13,900,000 to remain available until September 30, 1993; In all: [\$451,800,000] \$474,800,000: *Provided*, That none of the funds in this Act may be obligated or expended for the procurement of equipment for chemical weapon disposal facilities (other than Tooele) until the Secretary of Defense certifies to the Congress that 1) Operational Verification Testing at the Johnston Atoll Chemical Agent Destruction Facility is complete, 2) a report on the results of the tests has been submitted to the Congress, 3) plant design has been verified, and 4) necessary environmental permits have been secured for the sites for which the equipment is to be procured.

##### DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

##### (INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation; [\$1,155,994,000] \$1,117,075,000: *Provided*, That the funds appropriated by this paragraph shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act: *Provided further*, That of the funds appropriated by this paragraph, \$22,290,000 shall not be obligated or expended until authorized by law.]

##### OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, as follows: for Operation and maintenance, [\$121,600,000] for Procurement, \$300,000; In all: \$121,900,000: *Provided*,

That the amount provided for Procurement shall remain available until September 30, 1994: *Provided further*, That of the funds appropriated in this paragraph, \$1,000,000 shall not be obligated or expended until authorized by law.]

#### TITLE VII

##### RELATED AGENCIES

##### CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System; \$164,100,000.

##### INTELLIGENCE COMMUNITY STAFF

For necessary expenses of the Intelligence Community Staff; [\$30,719,000] \$28,819,000.

#### TITLE VIII

##### GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of the Philippines and foreign national employees of the Department of Defense in the Republic of Turkey: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps, or the National Board for the Promotion of Rifle Practice, Army.

SEC. 8005. No part of any appropriation contained in this Act, except for small purchases in amounts not exceeding \$25,000, shall be available for the procurement of any article or item of food, clothing, tents, tarpaulins, covers, cotton and other natural fiber products, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, canvas products, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles), or any item of individual equipment manufactured

from or containing such fibers, yarns, fabrics, or materials, or specialty metals including stainless steel flatware, or hand or measuring tools, not grown, reprocessed, reused, or produced in the United States or its possessions, except to the extent that the Secretary of the Department concerned shall determine that satisfactory quality and sufficient quantity of any articles or items of food, individual equipment, tents, tarpaulins, covers, or clothing or any form of cotton or other natural fiber products, woven silk and woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, canvas products, wool, or specialty metals including stainless steel flatware, grown, reprocessed, reused, or produced in the United States or its possessions cannot be procured as and when needed at United States market prices and except procurements outside the United States in support of combat operations, procurements by vessels in foreign waters, and emergency procurements or procurements of perishable foods by establishments located outside the United States for the personnel attached thereto: *Provided*, That nothing herein shall preclude the procurement of specialty metals or chemical warfare protective clothing produced outside the United States or its possessions when such procurement is necessary to comply with agreements with foreign governments requiring the United States to purchase supplies from foreign sources for the purposes of offsetting sales made by the United States Government or United States firms under approved programs serving defense requirements or where such procurement is necessary in furtherance of agreements with foreign governments in which both governments agree to remove barriers to purchases of supplies produced in the other country or services performed by sources of the other country, so long as such agreements with foreign governments comply, where applicable, with the requirements of section 36 of the Arms Export Control Act and with section 2457 of title 10, United States Code: *Provided further*, That nothing herein shall preclude the procurement of foods manufactured or processed in the United States or its possessions.

##### (TRANSFER OF FUNDS)

SEC. 8006. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed [\$3,000,000,000] \$1,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act.

##### (TRANSFER OF FUNDS)

SEC. 8007. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States

Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds and [to the "Foreign Currency Fluctuations, Defense" appropriation account] the "Foreign Currency Fluctuations, Defense" and "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8008. (a) None of the funds available to the Department of Defense in this Act shall be used by the Secretary of a military department to purchase coal or coke from foreign nations for use at United States defense facilities in Europe when coal from the United States is available.

(b) None of the funds available to the Department of Defense in this Act shall be utilized for the conversion of heating plants from coal to oil or coal to natural gas at defense facilities in Europe, except as provided in section 2690 of title 10, United States Code, and thirty days after the Secretary of Defense has notified the Committees on Appropriations of the Senate and House of Representatives: *Provided*, That this limitation shall apply to any authority granted pursuant to section 9008 of the Department of Defense Appropriations Act, 1990.

[(c) None of the funds available to the Department of Defense in this Act shall be used to enter into any agreement or contract to convert any heating facility at military installations in the Kaiserslautern Military Community (KMC) in the Federal Republic of Germany to district heat, direct natural gas, or other sources of fuel, except as provided in section 2690 of title 10, United States Code, and thirty days after the Secretary of Defense has notified the Committees on Appropriations of the Senate and House of Representatives, and until the Secretary of the Air Force has (1) ensured that the United States coal industry has had the opportunity to provide thermal energy supply to the KMC facilities through participation in a competitive solicitation for proposals for a third-party thermal energy supply, provided such solicitation allows evaluation of innovative technical proposals such as cogeneration to enhance the cost-effectiveness of coal derived thermal energy; (2) thoroughly evaluated the cost-effectiveness of all proposals received; (3) submitted evaluation results to the General Accounting Office for review; and (4) notified the Committees on Appropriations of the Senate and House of Representatives of the evaluation results.]

(c) *The Secretary of the Air Force may issue a request for proposal and enter into a contract using funds appropriated by this or any other Act, for heat from the regional district heating authority or authorities for the cities of Kaiserslautern, Landstuhl, and Ramstein-Miesenbach, Federal Republic of Germany, pursuant to a determination under 10 U.S.C. 2690(b): Provided, That (a) the Secretary of the Air Force determines that the cities of Kaiserslautern, Landstuhl, and Ramstein-Miesenbach have enacted district heat statutes in accordance with host nation law which (1)*

*adhere to the principle of "equal treatment for all" and (2) do not single out or target United States Forces in Kaiserslautern, Landstuhl, and Ramstein-Miesenbach; and (b) the proposal will provide cost-effective heat over the life-cycle of the district heating system.*

SEC. 8009. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the Committees on Appropriations and Armed Services of the Senate and House of Representatives.

SEC. 8010. No part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

SEC. 8011. None of the funds contained in this Act available for the Civilian Health and Medical Program of the Uniformed Services shall be available for payments to physicians and other authorized individual health care providers in excess of the amounts allowed in fiscal year 1991 for similar services, except that: (a) for services for which the Secretary of Defense determines an increase is justified by economic circumstances, the allowable amounts may be increased in accordance with appropriate economic index data similar to that used pursuant to title XVIII of the Social Security Act; and (b) for services the Secretary determines are overpriced based on an analysis similar to that used pursuant to title XVIII of the Social Security Act, the allowable amounts shall be reduced by not more than 15 percent. The Secretary shall solicit public comment prior to promulgating regulations to implement this section.

SEC. 8012. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 1994.

SEC. 8013. None of the funds provided in this Act shall be available to initiate (1) a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of \$20,000,000, or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any one year, unless the Committees on Appropriations and Armed Services of the Senate and House of Representatives have been notified at least thirty days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed \$500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the Committees on Appropriations and Armed Services of the House of Representatives and the Senate: *Provided further*, That the execution

of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement. Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

MK-48 ADCAP Torpedo;  
UH-60 Black Hawk Helicopter; and  
Army Tactical Missile.

(TRANSFER OF FUNDS)

SEC. 8014. None of the funds appropriated in this Act may be made available through transfer, reprogramming, or other means between the Central Intelligence Agency and the Department of Defense for any intelligence or special activity different from that previously justified to the Congress unless the Director of Central Intelligence or the Secretary of Defense has notified the House and Senate Appropriations Committees of the intent to make such funds available for such activity.

[SEC. 8015. (a) None of the funds appropriated by this Act shall be available to convert a position in support of the Army Reserve, Air Force Reserve, Army National Guard, and Air National Guard occupied by, or programmed to be occupied by, a (civilian) military technician to a position to be held by a person in an active duty status or active Guard or Reserve status if that conversion would reduce the total number of positions occupied by, or programmed to be occupied by, (civilian) military technicians of the component concerned, below 72,150: *Provided*, That none of the funds appropriated by this Act shall be available to support more than 48,624 positions in support of the Army Reserve, Army National Guard, or Air National Guard occupied by, or programmed to be occupied by, persons in an active Guard or Reserve status: *Provided further*, That none of the funds appropriated by this Act may be used to include (civilian) military technicians in computing civilian personnel ceilings, including statutory or administratively imposed ceilings, on activities in support of the Army Reserve, Air Force Reserve, Army National Guard, or Air National Guard.

[(b) None of the funds appropriated by this Act shall be used to include (civilian) military technicians in any administratively imposed freeze on civilian positions.]

SEC. 8015. *Notwithstanding any other provision of law, governments of Indian tribes shall be treated as State and local governments for the purposes of disposition of real property recommended for closure in the report of the Defense Secretary's Commission on Base Realignments and Closures, December 1988, the report to the President from the Defense Base Closure and Realignment Commission, July 1991, and Public Law 100-526.*

[SEC. 8016. (a) The provisions of section 115(b)(2) of title 10, United States Code, shall not apply with respect to fiscal year 1992 or with respect to the appropriation of funds for that year.

[(b) During fiscal year 1992, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

[(c) The fiscal year 1993 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 1993 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 1993.]



SEC. 8016. None of the funds made available in this Act shall be used by the Department of Defense to exceed 1,011,348 civilian workyears: *Provided*, That workyears shall be applied as defined in the Federal Personnel Manual: *Provided further*, That if the President determines that such action is necessary in the national interest, the use of civilian workyears may exceed 2 percent of the above limitation and the President shall promptly notify the Congress of any increase.

SEC. 8017. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

[SEC. 8018. None of the funds appropriated by this Act shall be obligated for the pay of any individual who is initially employed after the date of enactment of this Act as a technician in the administration and training of the Army Reserve and the maintenance and repair of supplies issued to the Army Reserve unless such individual is also a military member of the Army Reserve troop program unit that he or she is employed to support. Those technicians employed by the Army Reserve in areas other than Army Reserve troop program units need only be members of the Selected Reserve.]

SEC. 8018. Notwithstanding any other provision of law, funds made available in fiscal years 1992 and 1993 shall be available to purchase petroleum products in Israel to meet emergency and other military needs of the United States and Israel as agreed to in a Memorandum of Agreement between the United States and Israel, which should be concluded promptly on terms and conditions acceptable to both Nations. In the event of a wartime emergency or a state of heightened military readiness on the part of either Nation, all or part of the stock purchased under this provision may be withdrawn and used by the forces of either Nation (1) with the agreement of the governments of both Nations as provided for in the MOA, and (2) with notification of the Congress in accordance with section 652 of the Foreign Assistance Act of 1961, as amended: *Provided*, That section 8810 of Public Law 101-511 is hereby repealed.

[SEC. 8019. None of the funds appropriated by this Act or hereafter shall be used to purchase dogs or cats or otherwise fund the use of dogs or cats for the purpose of training Department of Defense students or other personnel in surgical or other medical treatment of wounds produced by any type of weapon: *Provided*, That the standards of such training with respect to the treatment of animals shall adhere to the Federal Animal Welfare Law and to those prevailing in the civilian medical community.]

SEC. 8019. Notwithstanding any other provision of law, the Army Central Hospital Fund, a Non Appropriated Fund Instrumentality, shall be terminated upon enactment of this Act. All residual funds will, on that date, be transferred to an appropriated trust fund established by the Secretary of the Army for the operation and maintenance of "Fisher Houses" located in proximity to Army Medical Treatment Facilities. The Secretary shall promulgate regulations governing the expenditure and accountability of these funds.

SEC. 8020. None of the funds available to the Department of Defense may be used for the floating storage of petroleum or petroleum products except in vessels of or belonging to the United States.

SEC. 8021. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United

States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to Congress on September 30 of each year: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for [not more than 250] civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8022. Notwithstanding any other provision of law, the Secretaries of the Army and Air Force may authorize the retention in an active status until age sixty of any officer who would otherwise be removed from an active status and who is employed as a National Guard or Reserve technician in a position in which active status in a reserve component of the Army or Air Force is required as a condition of that employment.

SEC. 8023. Funds available for operation and maintenance under this Act, may be used in connection with demonstration projects and other activities authorized by section 1092 of title 10, United States Code.

SEC. 8024. (a) None of the funds appropriated by this Act, shall be used to make contributions to the Department of Defense Education Benefits Fund pursuant to section 2006(g) of title 10, United States Code, representing the normal cost for future benefits under section 1415(c) of title 38, United States Code, for any member of the armed services who, on or after the date of enactment of this Act—

(1) enlists in the armed services for a period of active duty of less than three years; or

(2) receives an enlistment bonus under section 308a or 308f of title 37, United States Code,

nor shall any amounts representing the normal cost of such future benefits be transferred from the Fund by the Secretary of the Treasury to the Secretary of Veterans Affairs pursuant to section 2006(d) of title 10, United States Code; nor shall the Secretary of Veterans Affairs pay such benefits to any such member: *Provided*, That, in the case of a member covered by clause (1), these limitations shall not apply to members in combat arms skills or to members who enlist in the armed services on or after July 1, 1989, under a program continued or established by the Secretary of Defense in fiscal year 1991 to test the cost-effective use of special recruiting incentives involving not more than nineteen noncombat arms skills approved in advance by the Secretary of Defense: *Provided further*, That no contribution to the Fund pursuant to section 2006(g) shall be made during the current fiscal year that represents liabilities arising from the Department of the Army: *Provided further*, That this

subsection applies only to active components of the Army.

(b) None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this subsection applies only to active components of the Army.

SEC. 8025. Funds appropriated in this Act shall be available for the payment of not more than 75 percent of the charges of a postsecondary educational institution for the tuition or expenses of an officer in the Ready Reserve of the Army National Guard or Army Reserve for education or training during his off-duty periods, except that no part of the charges may be paid unless the officer agrees to remain a member of the Ready Reserve for at least four years after completion of such training or education.

SEC. 8026. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of enactment of this Act, is performed by more than ten Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That this section shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act or; (3) is planned to be converted to performance by a qualified firm under 51 percent Native American ownership.

[SEC. 8027. None of the funds appropriated in this Act to the Department of the Army may be obligated for procurement of 120mm mortars or 120mm mortar ammunition manufactured outside of the United States: *Provided*, That this limitation shall not apply to procurement of such mortars or ammunition required for testing, evaluation, type classification or equipping the Army's Ninth Infantry Division (Motorized).]

SEC. 8027. Notwithstanding any other provision of law, section 8095 of the Department of Defense Appropriations Act, 1991 (Public Law 101-511; 104 Stat. 1896) is hereby repealed.

SEC. 8028. None of the funds appropriated or made available by this Act may be obligated for acquisition of major automated information systems which have not successfully completed oversight reviews required by Defense Department regulations: *Provided*, That none of the funds appropriated or made available by this Act may be obligated on Composite Health Care System acquisition contracts if such contracts would cause the total life cycle cost estimate of \$1,600,000,000 expressed in fiscal year 1986 constant dollars to be exceeded: *Provided further*, That none of the funds appropriated or made available by this Act may be used to deploy the Composite Health Care System

beyond the initial alpha and beta test sites until system development is completed].

SEC. 8029. None of the funds provided by this Act may be used to pay the salaries of any person or persons who authorize the transfer of unobligated and deobligated appropriations into the Reserve for Contingencies of the Central Intelligence Agency.

SEC. 8030. Funds appropriated by this Act for construction projects of the Central Intelligence Agency, which are transferred to another Agency for execution, shall remain available until expended.

SEC. 8031. Notwithstanding any other provision of law, the Secretary of the Navy may use funds appropriated to charter ships to be used as auxiliary minesweepers providing that the owner agrees that these ships may be activated as Navy Reserve ships with Navy Reserve crews used in training exercises conducted in accordance with law and policies governing Naval Reserve forces.

SEC. 8032. None of the funds in this Act may be used to execute a contract for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) Reform Initiative that exceeds the total fiscal year 1987 costs for CHAMPUS care provided in California and Hawaii, plus normal and reasonable adjustments for price and program growth. *Provided*, That none of the funds available shall be used to reduce, revise, or terminate the CHAMPUS Reform Initiative contract before February 1, 1994].

SEC. 8033. Funds appropriated or made available in this Act shall be obligated and expended to continue to fully utilize the facilities at the United States Army Engineer's Waterways Experiment Station, including the continued availability of the supercomputer capability. *Provided*, That none of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the Armed Services and Appropriations Committees of Congress that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8034. None of the funds provided in this Act shall be available for use by a Military Department to modify an aircraft, weapon, ship or other item of equipment, that the Military Department concerned plans to retire or otherwise dispose of within five years after completion of the modification. *Provided*, That this prohibition shall not apply to safety modifications. *Provided further*, That this prohibition may be waived by the Secretary of a Military Department if the Secretary determines it is in the best national security interest of the country to provide such waiver and so notifies the congressional defense committees in writing.

SEC. 8035. For the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119) and by the Budget Enforcement Act of 1990 (Public Law 101-508), the term program, project, and activity for appropriations contained in this Act shall be defined as the most specific level of budget items identified in the Department of Defense Appropriations Act, 1992, the accompanying House and Senate Committee reports, the conference report and accompanying joint explanatory statement of the managers of the Committee of Conference, the related classified annexes, and the P-1 and R-1 budget justification documents as subsequently modified by Congressional action. *Provided*,

That the following exception to the above definition shall apply:

For the Military Personnel and the Operation and Maintenance accounts, the term "program, project, and activity" is defined as the appropriations accounts contained in the Department of Defense Appropriations Act. *Provided further*, That at the time the President submits his budget for fiscal year 1993, the Department of Defense shall transmit to the Committees on Appropriations and the Committees on Armed Services of the Senate and the House of Representatives a budget justification document to be known as the "O-1" which shall identify, at the budget activity, activity group, and subactivity group level, the amounts requested by the President to be appropriated to the Department of Defense for operation and maintenance in any budget request, or amended budget request, for fiscal year 1993.

SEC. 8036. Of the funds appropriated to the Army, \$172,072,000 shall be available only for the Reserve Component Automation System (RCAS). *Provided*, That none of these funds can be expended—

(1) except as approved by the Chief of the National Guard Bureau;

(2) unless RCAS resource management functions are performed by the National Guard Bureau;

(3) unless the RCAS contract source selection official is the Chief of the National Guard Bureau;

(4) to pay the salary of an RCAS program manager who has not been selected and approved by the Chief of the National Guard Bureau and chartered by the Chief of the National Guard Bureau and the Secretary of the Army;

(5) unless the Program Manager (PM) charter makes the PM accountable to the source selection official and fully defines his authority, responsibility, reporting channels and organizational structure;

(6) to pay the salaries of individuals assigned to the RCAS program management office, source selection evaluation board, and source selection advisory board unless such organizations are comprised of personnel chosen jointly by the Chiefs of the National Guard Bureau and the Army Reserve;

(7) to award a contract for development or acquisition of RCAS unless such contract is competitively awarded under procedures of OMB Circular A-109 for an integrated system consisting of software, hardware, and communications equipment and unless such contract precludes the use of Government furnished equipment, operating systems, and executive and applications software unless approved by the Chief of the National Guard Bureau; and

(8) unless RCAS performs its own classified information processing.

SEC. 8037. None of the funds provided for the Department of Defense in this Act may be obligated or expended for fixed price-type contracts in excess of \$10,000,000 for the development of a major system or subsystem unless the Under Secretary of Defense for Acquisition determines, in writing, that program risk has been reduced to the extent that realistic pricing can occur, and that the contract type permits an equitable and sensible allocation of program risk between the contracting parties. *Provided*, That the Under Secretary may not delegate this authority to any persons who hold a position in the Office of the Secretary of Defense below the level of Assistant Secretary of Defense. *Provided further*, That at least thirty days before making a determination under this section the Secretary of Defense will notify the Committees on Appropriations of the Senate

and House of Representatives in writing of his intention to authorize such a fixed price-type developmental contract and shall include in the notice an explanation of the reasons for the determination.

SEC. 8038. Monetary limitations on the purchase price of a passenger motor vehicle shall not apply to vehicles purchased for intelligence activities conducted pursuant to Executive Order 12333 or successor orders.

SEC. 8039. Not to exceed \$20,000,000 of the funds available to the Department of the Army during the current fiscal year may be used to fund the construction of classified military projects within the Continental United States, including design, architecture, and engineering services.

[SEC. 8040. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States. *Provided*, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process). *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured outside the United States exceeds the aggregate cost of the components produced or manufactured outside the United States. *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.]

SEC. 8040. The Secretary of Defense shall take such action as necessary to assure that a minimum of 75 percent of the petroleum pitch carbon fiber requirement be procured from domestic sources by 1994.

#### (TRANSFER OF FUNDS)

SEC. 8041. Notwithstanding any other provision of law, the Department of Defense may transfer prior year unobligated balances and funds appropriated in this Act to the operation and maintenance appropriations for the purpose of providing military technician and Department of Defense medical personnel pay and medical programs (including CHAMPUS) the same exemption from sequestration set forth in the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119) and by the Budget Enforcement Act of 1990 (Public Law 101-508) as that granted the other military personnel accounts. *Provided*, That any transfer made pursuant to any use of the authority provided by this provision shall be limited so that the amounts reprogrammed to the operation and maintenance appropriations do not exceed the amounts sequestered under the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119) and by the Budget Enforcement Act of 1990 (Public Law 101-508). *Provided further*, That



the authority to make transfers pursuant to this section is in addition to the authority to make transfers under other provisions of this Act: *Provided further*, That the Secretary of Defense may proceed with such transfer after notifying the Appropriations Committees of the House of Representatives and the Senate twenty [legislative days] calendar days in session before any such transfer of funds under this provision.

SEC. 8042. None of the funds available to the Department of the Navy may be used to enter into any contract for the overhaul, repair, or maintenance of any naval vessel homeported on the West Coast of the United States which includes charges for interport differential as an evaluation factor for award.

SEC. 8043. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be available for the reimbursement of any health care provider for inpatient mental health service in excess of thirty days in any year, in the case of a patient nineteen years of age or older, forty-five days in any year in the case of a patient under nineteen years of age, or one hundred and fifty days in any year in the case of inpatient mental health services provided as residential treatment care, or for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided*, That these limitations do not apply in the case of inpatient mental health services provided under the program for the handicapped under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care: *Provided further*, That the Secretary of Defense (after consulting with the other administering Secretaries) may prescribe separate payment requirements (including deductibles, copayments, and catastrophic limits) for the provision of mental health services to persons covered by this provision or section 1086 of title 10, United States Code. The payment requirements may vary for different categories of covered beneficiaries, by type of mental health service provided, and based on the location of the covered beneficiaries: *Provided further*, That except in the case of an emergency, the Secretary of Defense shall require preadmission authorization before inpatient mental health services may be provided to persons covered by this provision or section 1086 of title 10, United States Code. In the case of the provision of emergency inpatient mental health services, approval for the continuation of such services shall be required within 72 hours after admission.

SEC. 8044. The designs of the Army LH helicopter, the Navy A-X Aircraft, the Air Force Advanced Tactical Fighter, and any variants of these aircraft, must incorporate Joint Integrated Avionics Working Group standard avionics specifications and must fully comply with all DOD regulations requiring the use of the Ada computer programming language no later than 1998: *Provided*, That effective July 1, 1992 all new Department of

Defense procurements shall separately identify software costs in the work breakdown structure defined by MIL-STD-881 in those instances where software is considered to be a major category of cost.

SEC. 8045. Of the funds appropriated, reimbursable expenses incurred by the Department of Defense on behalf of the Soviet Union in monitoring United States implementation of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range or Shorter-Range Missiles ("INF Treaty"), concluded December 8, 1987, may be treated as orders received and obligation authority for the applicable appropriation, account, or fund increased accordingly. Likewise, any reimbursements received for such costs may be credited to the same appropriation, account, or fund to which the expenses were charged: *Provided*, That reimbursements which are not received within one hundred and eighty days after submission of an appropriate request for payment shall be subject to interest at the current rate established pursuant to section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (59 Stat. 526). Interest shall begin to accrue on the one hundred and eighty-first day following submission of an appropriate request for payment: *Provided further*, That funds appropriated in this Act may be used to reimburse United States military personnel for reasonable costs of subsistence, at rates to be determined by the Secretary of Defense, incurred while accompanying Soviet Inspection Team members engaged in activities related to the INF Treaty: *Provided further*, That this provision includes only the in-country period (referred to in the INF Treaty) and is effective whether such duty is performed at, near, or away from an individual's permanent duty station.

[SEC. 8046. The total amount appropriated to or for the use of the Department of Defense by this Act is reduced by \$300,000,000 to reflect savings resulting from the decreased use of consulting services by the Department of Defense. The Secretary of Defense shall allocate the amount reduced in the preceding sentence and not later than March 1, 1992, report to the Senate and House Committees on Appropriations how this reduction was allocated among the Services and Defense Agencies: *Provided*, That this section does not apply to the reserve components: *Provided further*, That not more than \$1,188,000,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory or assistance services by the Department of Defense.]

SEC. 8046. The total amount appropriated to or for the use of the Department of Defense by this Act is reduced by \$202,000,000 to reflect savings from the decreased use of non-Corporate Information Management related automated data processing development and modernization by the Department of Defense. Of this amount, \$49,000,000 shall be allocated to the Army, \$20,000,000 shall be allocated to the Navy, and \$133,000,000 shall be allocated to the Air Force. The respective Service Secretaries shall sub-allocate the amounts reduced in the preceding sentence and not later than March 1, 1992, the Secretary of Defense shall report to the Senate and House Committees on Appropriations how this reduction was allocated among the Services, by appropriation: *Provided*, That none of this reduction may be applied to the Army's Sustaining Base Information Systems or Reserve Component Automation System programs.

SEC. 8047. Funds available in this Act may be used to provide transportation for the next-of-kin of individuals who have been

prisoners of war or missing in action from the Vietnam era to an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.

[SEC. 8048. (a) Within the funds made available to the Air Force under title II of this Act, the Air Force shall use such funds as necessary, but not to exceed \$10,800,000, to execute the cleanup of uncontrolled hazardous waste contamination affecting the Sale Parcel at Hamilton Air Force Base, in Novato, in the State of California.

[(b) In the event that the purchaser of the Sale Parcel exercises its option to withdraw from the sale as provided in the Agreement, dated September 25, 1990, between the Department of Defense, the General Services Administration, and the purchaser, the purchaser's deposit of \$4,500,000 shall be returned by the General Services Administration and funds eligible for reimbursement under the Agreement and Modification shall come from the funds made available to the Department of Defense by this Act.

[(c) Notwithstanding any other provision of law, the Air Force shall be reimbursed for expenditures in excess of \$15,000,000 in connection with the total clean-up of uncontrolled hazardous waste contamination on the aforementioned Sale Parcel from the proceeds collected upon the closing of the Sale Parcel.]

SEC. 8048. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the fifty United States and the District of Columbia, 175,960 civilian workyears: *Provided*, That workyears shall be applied as defined in the Federal Personnel Manual: *Provided further*, That workyears expended in dependent student hiring programs for disadvantaged youth shall not be included in this workyear limitation.

[SEC. 8049. None of the funds available to the Department of Defense or Navy shall be obligated or expended to (1) implement Automatic Data Processing or Information Technology Facility consolidation plans, or (2) to make reductions or transfers in personnel end strengths, billets or missions that affect the Naval Regional Data Automation Center, the Enlisted Personnel Management Center, the Naval Reserve Personnel Center and related missions, functions and commands until sixty days after the Secretary of Defense submits a report, including complete review comments by the General Accounting Office, to the Committees on Appropriations of the House and Senate justifying any transfer, reductions, or consolidations in terms of (1) addressing the overall mission and operations staffing of all Naval Automatic Data Processing, Information Technology Facility, and Naval personnel functions for all active and reserve personnel commands and field activities and Automatic Data Processing commands and field activities; and (2) certifying that such reduction, transfer or consolidation plans or operations do not duplicate functions presently conducted; are cost effective from a budgetary standpoint; will not adversely affect the mission, readiness and strategic considerations of the Navy and Naval Reserve; and will not adversely impact on the quality of life and economic benefits of the individual serviceperson or have an adverse economic impact on a geographic area.]

#### (TRANSFER OF FUNDS)

SEC. 8049. In addition to the amounts appropriated or otherwise made available in this Act, \$716,729,000 is appropriated for the operation, modernization, and expansion of automated data processing systems: *Provided*, That the Sec-

retary of Defense shall, upon determining that such funds are necessary and further the objectives of the Corporate Information Management initiative, transfer such amounts as necessary to the appropriate Defense Agency appropriation provided in titles II, III, and IV of this Act to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That obligation and expenditure of these funds are subject to the review and approval of the Corporate Information Management Executive Level Group: *Provided further*, That this transfer authority shall be in addition to any other transfer authority contained in this Act.

SEC. 8050. No funds appropriated by this Act may be obligated or expended to prepare, or to assist any contractor of the Department of Defense in preparing, any material, report, list, or analysis with respect to the actual or projected economic or employment impact in a particular State or congressional district of an acquisition program for which all research, development, testing and evaluation has not been completed.

SEC. 8051. All obligations incurred in anticipation of the appropriations and authority provided in this Act are hereby ratified and confirmed if otherwise in accordance with the provisions of this Act.

SEC. 8052. None of the funds appropriated by this Act shall be available for a contract for studies, analyses, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(a) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work, or

(b) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source, or

(c) where the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

*Provided*, That this limitation shall not apply to contracts in an amount of less than \$25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8053. None of the funds available to the Department of Defense in this Act shall be used to demilitarize or dispose of more than 310,784 unserviceable M1 Garand rifles and M1 Carbines.

SEC. 8054. Notwithstanding any other provision of law, none of the funds appropriated by this Act shall be available to pay more than 50 percent of an amount paid to any person under section 308 of title 37, United States Code, in a lump sum.

SEC. 8055. None of the funds appropriated by this Act may be used by the Department of Defense to assign a supervisor's title or grade when the number of people he or she supervises is considered as a basis for this determination: *Provided*, That savings that result from this provision are represented as such in future budget proposals.

SEC. 8056. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services shall be available for the payment of the

expenses under the Program for the first \$150 of the charges for all types of care authorized under the provisions of section 1079(a) of title 10, United States Code, under plans contracted for under the provisions of section 1079 or section 1086 of title 10, United States Code, and received in an outpatient status after April 1, 1991: *Provided*, That the foregoing limitation shall not exceed the first \$300 in the case of a family group of two or more persons covered by section 1079(a) of title 10, United States Code: *Provided further*, That higher deductible amounts, higher coinsurance payments, and/or total or partial restrictions on the availability of care (other than emergency care) in facilities of the uniformed services may be prescribed by the Secretary of Defense in the case of beneficiaries eligible for enrollment under health care plans contracted for under section 1097 of title 10, United States Code, who chose not to enroll in such plans: *Provided further*, That the provisions of this section shall not apply in the case of dependents of military members in grades E-1 through E-4.

SEC. 8057. None of the funds appropriated by this or any other Act with respect to any fiscal year for the Navy may be used to carry out an electromagnetic pulse program in the Chesapeake Bay area in connection with the Electromagnetic Pulse Radiation Environment Simulator for Ships (EMPRESS II) program unless or until the Secretary of Defense certifies to the Congress that conduct of the EMPRESS II program is essential to the national security of the United States and to achieving requisite military capability for United States naval vessels, and that the economic, environmental, and social costs to the United States of conducting the EMPRESS II program in the Chesapeake Bay area are far less than the economic, environmental, and social costs caused by conducting the EMPRESS II program elsewhere.

SEC. 8058. Of the funds appropriated by this Act, no more than \$4,000,000 shall be available for the health care demonstration project regarding chiropractic care required by section 632(b) of the Department of Defense Authorization Act, 1985, Public Law 98-525.

SEC. 8059. None of the funds appropriated by this Act may be used to pay health care providers under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) for services determined under the CHAMPUS Peer Review Organization (PRO) Program to be not medically or psychologically necessary. The Secretary of Defense may by regulation adopt any quality and utilization review requirements and procedures in effect for the Peer Review Organization Program under title XVIII of the Social Security Act (Medicare) that the Secretary determines necessary, and may adapt the Medicare requirements and procedures to the circumstances of the CHAMPUS PRO Program as the Secretary determines appropriate.

SEC. 8060. Such sums as may be necessary for fiscal year 1992 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 8061. None of the funds appropriated by this Act shall be available for payments under the Department of Defense contract with the Louisiana State University Medical Center involving the use of cats for Brain Missile Wound Research, and the Department of Defense shall not make payments under such contract from funds obligated prior to the date of the enactment of this Act, except as necessary for costs incurred by the contractor prior to the enactment of

this Act, and until thirty legislative days after the final General Accounting Office report on the aforesaid contract is submitted for review to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That funds necessary for the care of animals covered by this contract are allowed.

SEC. 8062. None of the funds provided in this Act or any other Act shall be available to conduct bone trauma research at the Letterman Army Institute of Research until the Secretary of the Army certifies that the synthetic compound to be used in the experiments is of such a type that its use will result in a significant medical finding, the research has military application, the research will be conducted in accordance with the standards set by an animal care and use committee, and the research does not duplicate research already conducted by a manufacturer or any other research organization.

SEC. 8063. The Secretary of Defense shall include in any base closure and realignment plan submitted to Congress after the date of enactment of this Act, a complete review for the five year period beginning on October 1, 1991, which shall include expected force structure and levels for such period, expected installation requirements for such period, a budget plan for such period, the cost savings expected to be realized through realignments and closures of military installations during such period, an economics model to identify the critical local economic sectors affected by proposed closures and realignments of military installations and an assessment of the economic impact in each area in which a military installation is to be realigned or closed.

[SEC. 8064. None of the funds appropriated in this Act shall be used to reduce the fiscal year 1992 2.5- or 5-ton truck maintenance workload at Letterkenny Army Depot as a direct result of either the proposed consolidation of truck maintenance or an increase in fiscal year 1992 truck maintenance at any other depot; neither shall funds be available for transfer of towed and self-propelled artillery maintenance from Letterkenny Army Depot.]

SEC. 8064. Section 831(m) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note) is amended—

(a) by striking paragraph (2) and inserting:

"(2) The term 'disadvantaged small business concern' means:

"(A) a small business concern owned and controlled by socially and economically disadvantaged individuals;

"(B) a business entity owned and controlled by an Indian tribe as defined by Section 8(a)(13) of the Small Business Act (15 U.S.C. 637(a)(13));

"(C) a business entity owned and controlled by a Native Hawaiian Organization as defined by Section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(13)); or

"(D) a qualified organization employing the severely disabled."

(b) by adding the following new paragraphs:

"(6) The term 'qualified organization employing the severely disabled' means a business entity that—

"(A) uses rehabilitative engineering to provide employment opportunities for severely disabled individuals and integrates severely disabled individuals into its workforce;

"(B) employs severely disabled individuals at a rate that averages not less than 20 percent of its total workforce;

"(C) employs each severely disabled individual in its workforce generally on the basis of 40 hours per week; and

"(D) pays not less than the minimum wage prescribed pursuant to section 6 of the Fair



Labor Standards Act (29 U.S.C. 206) to those employees who are severely disabled individuals.

"(7) The term 'severely disabled individual' means an individual who has a physical or mental disability which constitutes a substantial handicap to employment and which, in accordance with criteria prescribed by the Committee for the Purchase From the Blind and Other Severely Handicapped established by section 46 of title 41, United States Code, is of such a nature that the individual is otherwise prevented from engaging in normal competitive employment."

[SEC. 8065. No more than \$50,000 of the funds appropriated or made available in this Act shall be used for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and Senate that such a relocation is required in the best interest of the Government: *Provided further*, That no funds appropriated or made available in this Act shall be used for the relocation into the National Capital Region of the Air Force Office of Medical Support located at Brooks Air Force Base.]

SEC. 8065. Of the funds appropriated by this Act, no more than \$14,000,000 shall be available for the mental health care demonstration project at Fort Bragg, North Carolina: *Provided*, That adjustments may be made for normal and reasonable price and program growth.

SEC. 8066. None of the funds appropriated in this Act shall be used to produce more than two-thirds of the liquid gas requirements in-house at Andersen Air Force Base on Guam. At least one-third of Andersen Air Force Base's liquid gas requirements shall be met by acquiring liquid gas from commercial sources on Guam.

[SEC. 8067. None of the funds available to the Department of Defense in this Act shall be used to reduce the end strength and force structure of the Reserve Components below the levels funded in this Act or be used to reduce or disestablish the operation of units of the Reserve Components below those in existence on April 15, 1991: *Provided*, That the foregoing limitation shall not apply to the modernization or restructuring of units at the same location or to the establishment of new units.]

SEC. 8067. None of the funds available to the Department of Defense in this Act shall be used to reduce the end strength of the National Guard and Reserve Components below the levels funded in this Act or be used to reduce the force structure allowance for the Army National Guard and Army Reserve below 450,000 and 310,000 respectively, and that of the other National Guard and Reserve Components below the end strength levels funded in this Act: *Provided*, That no funds may be reduced from title I or title II of this Act to maintain the force structure allowance of the National Guard and Reserve Components, and that only funds provided in title III and title IV of this Act may be reduced or transferred to maintain the force structure allowance for the National Guard and Reserve Components: *Provided further*, That the Amended Budget Submission for the Department of Defense for fiscal year 1993 may only request funds for National Guard and Reserve force structure in excess of the level assumed in the Budget Request submitted to the Congress for fiscal years 1992 and 1993 if such increases in title I and title II of that request are offset through reductions in title III and title IV of that request.

SEC. 8068. Funds appropriated or otherwise available for any Federal agency, the Con-

gress, the judicial branch, or the District of Columbia for the fiscal year ending September 30, 1992, may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5 or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the armed forces, as described in section 261 of title 10, or the National Guard, as described in section 101 of title 32;

(2) performs, for the purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection or saving of life or property or prevention of injury—

(A) Federal service under section 331, 332, 333, 3500, or 8500 of title 10, or other provision of law, as applicable, or

(B) full-time military service for his State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States; and

(3) requests and is granted—

(A) leave under the authority of this section; or

(B) annual leave, which may be granted without regard to the provisions of sections 5519 and 6323(b) of title 5, if such employee is otherwise entitled to such annual leave:

*Provided*, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, and such leave shall be considered leave under section 6323(b) of title 5.

SEC. 8069. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of twenty-four months after initiation of such study with respect to a single function activity or forty-eight months after initiation of such study for a multi-function activity.

[SEC. 8070. None of the funds appropriated by this Act shall be used to begin closing a military treatment facility unless the Secretary of Defense notifies the Committees on Appropriations of the House of Representatives and the Senate ninety days prior to such action.]

SEC. 8070. (a) Of the amounts available to the Department of Defense for fiscal year 1992, not less than \$10,000,000 shall be available for National Defense Science and Engineering Graduate Fellowships to be awarded on a competitive basis by the Secretary of Defense to United States citizens or nationals pursuing advanced degrees in fields of primary concern and interest to the Department.

(b) Fellowships awarded pursuant to subsection (a) above shall not be restricted on the basis of the geographical locations in the United States of the institutions at which the recipients are pursuing the aforementioned advanced degrees.

(c) Not less than 50 per centum of the funds necessary to carry out this section shall be derived from the amounts available for the University Research Initiatives Program in "Research, Development, Test and Evaluation, Defense Agencies", and the balance necessary shall be derived from amounts available for Defense Research Sciences under title IV of this Act.

SEC. 8071. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

[SEC. 8072. None of the funds appropriated in this Act shall be used for the recruitment

or enrollment of a new student or class of students at the Uniformed Services University of the Health Sciences after September 30, 1991.]

SEC. 8072. None of the unobligated balances available in the National Defense Stockpile Transaction Fund during fiscal year 1992 may be obligated or expended to finance any grant or contract to conduct research, development, test, and evaluation activities for the development or production of advanced materials.

SEC. 8073. Notwithstanding any other provision of law, after June 1, 1991, where cost effective, all Department of Defense software shall be written in the programming language Ada, in the absence of special exemption by an official designated by the Secretary of Defense.

SEC. 8074. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 4107(g) of title 38, United States Code, as in existence on October 1, 1990.

SEC. 8075. None of the funds available to the Department of Defense shall be used for the training or utilization of psychologists in the prescription of drugs, except pursuant to the findings and recommendations of the Army Surgeon General's Blue Ribbon Panel as specified in its February and August 1990 meeting minutes: *Provided*, That this training will be performed at Walter Reed Army Medical Center.

[SEC. 8076. None of the funds appropriated by this Act shall be used to reduce the military and civilian work force at any military medical facility or medical support facility below the level maintained or authorized for fiscal year 1990: *Provided*, That the foregoing limitation shall apply to all military medical and medical support facilities.]

SEC. 8076. During the current fiscal year, for the purposes of installing equipment with funds appropriated for that purpose, additional obligations may be incurred in appropriations available to the Department of Defense for the procurement and installation of equipment when obligations were incurred during the period of those appropriations for the procurement of such equipment but obligations for the installation of such equipment were not able to be incurred before the expiration of the period of availability for those appropriations.

#### [(RESCISSIONS)]

[SEC. 8077. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts in the specified amounts:

[Procurement of weapons and tracked combat vehicles, Army, 1990/1992, \$10,000,000;

[Procurement of weapons and tracked combat vehicles, Army, 1991/1993, \$114,000,000;

[Procurement of ammunition, Army, 1991/1993, \$23,700,000;

[Other procurement, Army, 1990/1992, \$10,300,000;

[Other procurement, Army, 1991/1993, \$26,800,000;

[Aircraft procurement, Navy, 1990/1992, \$893,500,000;

[Weapons procurement, Navy, 1991/1993, \$300,000,000;

[Other procurement, Navy, 1991/1993, \$2,700,000;

[Procurement, Marine Corps, 1991/1993, \$2,000,000;

[Guard and Reserve Equipment, 1991/1993, \$8,000,000;

[Research, Development, Test and Evaluation, Army, 1991/1992, \$85,200,000;

[Research, Development, Test and Evaluation, Navy, 1991/1992, \$41,800,000;

[Research, Development, Test and Evaluation, Air Force, 1991/1992, \$199,400,000;

[Research, Development, Test and Evaluation, Defense Agencies, 1991/1992, \$90,000,000.]  
(RESCISSIONS)

SEC. 8077. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts in the specified amounts:

Other Procurement, Navy, 1991/1993, \$3,500,000;

Research, Development, Test and Evaluation, Army, 1991/1992, \$15,375,000;

Research, Development, Test and Evaluation, Air Force, 1991/1992, \$9,910,000.

[SEC. 8078. Section 8104 of the Department of Defense Appropriations Act, 1991 (Public Law 101-511; 104 Stat. 1898) is amended—

(1) by amending section 3 by adding the following new sentence at the end thereof: "The Commission is established until 30 days following submission of the final report required by section 6 of this section.";

(2) by amending section 6 as follows: (i) by amending subsection (b)—

[(A) by striking out "SUBSEQUENT ANNUAL REPORTS" and inserting "FINAL REPORT" in lieu thereof;

[(B) by striking out "an annual report for each of the first five years following the" and inserting "a final report one year following" in lieu thereof in the first sentence; and  
[(C) by striking out the second sentence; and

[(ii) by amending subsection (c)—

[(A) by striking out "Each report under this section" and inserting "The report under subsection (b)" in lieu thereof in the first sentence; and

[(B) by striking out "Each such" and inserting "Such" in lieu thereof in the second sentence; and

[(3) by amending section 8(c) to read as follows:

["(c) OBTAINING OFFICIAL DATA.—The Chairman or a designee on behalf of the Chairman may request information necessary to enable the Commission to carry out this Act directly from any department or agency of the United States.".]

SEC. 8078. Of the \$627,572,000 made available through the sale of 24 F-15C/D aircraft to Saudi Arabia, funds shall be obligated to procure 12 new production F-15E aircraft and support equipment in addition to the 36 F-15E aircraft provided by the Department of Defense Appropriations Act, 1991: Provided, That aircraft funded under this provision shall be in addition to the 200 F-15E aircraft funded in fiscal year 1991 and previous years: Provided further, That funds for these aircraft shall be obligated immediately upon enactment of this Act.

SEC. 8079. Of the funds made available in this Act, not less than \$8,674,000 shall be available for the Civil Air Patrol, of which \$4,400,000 shall be available for Operation and Maintenance.

SEC. 8080. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 815th Tactical Airlift Squadron of the Air Force Reserve, if such action would reduce the WC-130 Weather Reconnaissance mission below the levels funded in this Act.

[SEC. 8081. Of the funds available in this Act in the operation and maintenance accounts of the Department of Defense, \$10,000,000 shall be available only to transport United States beef for resale in Department of Defense commissaries in foreign countries.]

SEC. 8081. During the current fiscal year, after April 1, 1992, withdrawal credits may be made

by the Defense Business Operations Fund to the credit of current applicable appropriations of an activity of the Department of Defense in connection with the acquisition by that activity of supplies that are repairable components which are repairable at a repair depot and that are capitalized into the Defense Business Operations Fund as the result of management changes concerning depot level repairable assets charged to an activity of the Department of Defense which is a customer of the Defense Business Operations Fund that becomes effective on April 1, 1992.

SEC. 8082. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

(b) For the purpose of this section, the phrase "qualified nonprofit agency for the blind or other severely handicapped" means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46-48).

[SEC. 8083. Of the funds appropriated in this Act for "Drug Interdiction and Counter-Drug Activities, Defense", \$40,000,000 shall be available only for the National Drug Intelligence Center.]

SEC. 8083. Of funds available in this Act to carry out intelligence and intelligence-related activities of the United States Government, \$32,900,000 shall be made available to begin implementation of the plan developed by the Central Intelligence Agency to consolidate its Washington, D.C., area facilities into permanent additional compounds, including the acquisition of the land necessary for such consolidation. Funds made available under this section shall begin to be expended for this consolidation not later than 60 days after the date of enactment of this Act.

SEC. 8084. Restrictions provided under subsection (b)(2) of section 301d of title 37, United States Code, as authorized by the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510), and hereafter, shall not apply in the case of flag or general officers serving as full-time practicing physicians.

SEC. 8085. Any CHAMPUS (Civilian Health and Medical Program of the Uniformed Services) [medical] health care provider may voluntarily waive the patient copayment for medical services provided [to dependents of active duty personnel] from August 2, 1990, until the [return of troops from the Persian Gulf theater] termination of Operation Desert Shield/Desert Storm for dependents of active duty personnel: Provided, That the Government's share of medical services is not increased during the specified time period.

[SEC. 8086. Mitchell Field Health Care Facility in the State of New York shall only be funded from the Operation and Maintenance, Navy, appropriation and shall not be funded or included within the congressionally imposed ceiling on the Uniformed Services Treatment Facility account.]

SEC. 8086. For fiscal year 1992, the total amount appropriated to fund the Uniformed Services Treatment Facilities program, operated pursuant to section 911 of Public Law 97-99 (42 U.S.C. 248c), is limited to \$189,700,000, of which not more than \$170,300,000 may be provided by the funds appropriated by this Act.

SEC. 8087. During the current fiscal year, the Navy may provide notice to exercise op-

tions under the LEASAT program for the next fiscal year, in accordance with the terms of the Aide Memoire, dated January 5, 1981, as amended by the Aide Memoire dated April 30, 1986, and as implemented in the LEASAT contract.

#### [(TRANSFER OF FUNDS)]

[SEC. 8088. During the current fiscal year, there is established an account entitled, "Foreign National Employees Separation Pay Account, Defense": Provided, That there shall be deposited to this account: (a) all amounts previously obligated for the separation pay of foreign national employees of the Department of Defense from appropriations which are no longer available for obligation and (b) all amounts obligated for the separation pay of foreign national employees of the Department of Defense from appropriations available for obligation during the current fiscal year: Provided further, That amounts deposited to the Account shall remain available until expended.]

SEC. 8088. None of the funds available to the Department of Defense during fiscal year 1992 may be obligated or expended to develop for aircraft or helicopter weapons systems an airborne instrumentation system other than the Common Airborne Instrumentation System under development in the Central Test and Evaluation Investment Development program element funded in the "Development Test and Evaluation, Defense" appropriations account.

SEC. 8089. During the current fiscal year and hereafter, none of the funds appropriated for intelligence programs to the Department of Defense which are transferred to another Federal agency for execution shall be expended by the Department of Defense in any fiscal year in excess of amounts required for expenditure during such fiscal year by the Federal agency to which such funds are transferred.

#### [(INCLUDING] TRANSFER OF FUNDS)

[SEC. 8090. (a) Of the funds appropriated in this Act in title IV, Research, Development, Test and Evaluation, Navy, \$625,000,000 shall be available only for the V-22 aircraft program.

[(b) Of the funds appropriated for the V-22 program in fiscal years prior to fiscal year 1992 (1) \$200,000,000 shall be subject to the provisions of section 204 of the Dire Emergency Supplemental Appropriations for Consequences of Operation Desert Shield/Desert Storm, Food Stamps, Unemployment Compensation Administration, Veterans Compensation and Pensions, and Other Urgent Needs Act of 1991, (Public Law 102-27), and shall be used to initiate a new Phase II V-22 Full Scale Engineering Development program as further described in subparagraph (c)(2); (2) That of the funds appropriated in the Department of Defense Appropriations Act (Public Law 101-511) for fiscal year 1991 under the heading, "Aircraft Procurement, Navy" for the V-22 Osprey program, \$165,000,000 shall be transferred to "Research, Development, Test and Evaluation, Navy, 1992/1993", to be merged with and to be available for the same purposes and the same time period as the appropriation to which transferred, subject to the provisions of subparagraph (c).]

[(c) Funds described in subparagraphs (a) and (b) of this section shall be obligated as follows:

[(1) Not less than \$164,800,000 shall be obligated by October 31, 1991 to continue the existing V-22 Full Scale Engineering Development program;

[(2) Not less than \$357,200,000 shall be obligated by November 30, 1991 to fund a Phase II



V-22 Full Scale Engineering Development program to provide ten production representative new aircraft which will successfully demonstrate the full operational requirements of the Joint Services Operational Requirement (JSOR) not later than December 31, 1996: *Provided*, That the ten production representative V-22 aircraft shall be produced on tooling which qualifies production design;

[(3) The remaining funds shall be obligated in accordance with the plan provided for in subparagraph (d).

[(d) The Secretary of Defense shall provide to the Congress, within 60 days of enactment of this Act, the total funding plan and schedule to complete the Phase II V-22 Full Scale Engineering Development program.]

*SEC. 8090. Of the funds appropriated for fiscal year 1991 under the heading "Aircraft Procurement, Navy" for the V-22 Osprey program, \$165,000,000 shall be transferred to the appropriation "Research, Development, Test and Evaluation, Navy, 1991/1992", to be merged with and to be available for the same purposes and the same time period as the appropriation to which transferred.*

*SEC. 8091. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.*

**[(TRANSFER OF FUNDS)]**

*[SEC. 8092. Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: Provided, That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, and for the same time period of the appropriation from which transferred: Provided further, That funds shall be transferred between the following appropriations in the amounts specified:*

*From:*  
Under the heading, "Research, Development, Test and Evaluation, Navy, 1991/1992", \$1,400,000;

Under the heading, "Weapons Procurement, Navy, 1990/1992", \$12,800,000;

Under the heading, "Aircraft Procurement, Navy, 1990/1992", \$30,000,000;

Under the heading, "Aircraft Procurement, Navy, 1991/1993", \$15,100,000;

Under the heading, "Weapons Procurement, Navy, 1991/1993", \$24,800,000;

Under the heading, "Other Procurement, Navy, 1991/1993", \$4,200,000;

Under the heading, "Procurement, Marine Corps, 1991/1993", \$29,300,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1989/1993":

DDG-51 destroyer program, \$46,400,000.

Under the heading, "Shipbuilding and Conversion, Navy, 1990/1994":

USCG Patrol Boat Program, \$3,600,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1991/1995":

TRIDENT ballistic missile submarine program, \$28,900,000;

DDG-51 destroyer program, \$64,900,000;

AOE-6 fast combat support ship program, \$161,200,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1985/1989":

TRIDENT ballistic missile submarine program, \$17,300,000;

MCM Mine Countermeasures ship program, \$7,300,000;

TAO Fleet Oiler program, \$3,500,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1986/1990":

SSN-688 attack submarine program, \$18,900,000;

MHC coastal mine hunter program, \$6,900,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1987/1991":

TRIDENT ballistic missile submarine program, \$9,600,000;

SSN-688 attack submarine program, \$113,600,000;

DDG-51 destroyer program, \$22,100,000;

TAGOS ocean surveillance ship program, \$400,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1988/1992":

TRIDENT ballistic missile submarine program, \$67,200,000;

SSN-688 attack submarine program, \$29,600,000;

LSD(CV) amphibious dock landing (cargo variant) ship program, \$5,700,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1989/1993":

TRIDENT ballistic missile submarine program, \$44,400,000;

SSN-688 attack submarine program, \$15,600,000;

SSN-21 attack submarine program, \$4,500,000;

MHC coastal minehunter program, \$13,900,000;

TAGOS ocean surveillance ship program, \$10,800,000;

AO auxiliary oiler conversion ship program, \$5,500,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1990/1994":

MCM Mine Countermeasures ship program, \$12,300,000;

AO auxiliary oiler conversion ship program, \$4,500,000;

MTS(C) moored training ship conversion program, \$9,000,000.

**[(TRANSFER OF FUNDS)]**

*SEC. 8092. Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: Provided, That the amounts transferred shall be available for the same purposes and time period as the appropriation to which transferred: Provided further, That funds shall be transferred between the following appropriations in the amounts specified:*

*From:*  
Under the heading, "Research, Development, Test and Evaluation, Navy, 1991/1992", \$114,100,000;

Under the heading, "Weapons Procurement, Navy, 1990/1992", \$12,800,000;

Under the heading, "Aircraft Procurement, Navy, 1991/1993", \$73,600,000;

Under the heading, "Weapons Procurement, Navy, 1991/1993", \$24,800,000;

Under the heading, "Other Procurement, Navy, 1991/1993", \$12,400,000;

Under the heading, "Procurement, Marine Corps, 1991/1993", \$29,300,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1988/1992":

T-AO fleet oiler program, \$3,523,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1989/1993":

T-AO fleet oiler program, \$6,119,000;

LCAC landing craft air cushion program, \$2,225,000;

For outfitting and post delivery, \$2,669,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1990/1994":

SSN-688 attack submarine program, \$9,656,000;

LSD-41 dock landing ship cargo variant program, \$655,000;

MHC coastal minehunter program, \$4,509,000;

T-AGOS surveillance ship program, \$665,000;

Coast Guard patrol boat program, \$4,223,000;

LCAC landing craft air cushion, \$2,953,000;

For craft, outfitting, post delivery, and ship special support equipment, \$2,653,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1991/1995":

TRIDENT ballistic missile submarine program, \$44,687,000;

DDG-51 destroyer program, \$64,900,000;

LSD-41 dock landing ship cargo variant program, \$1,303,000;

MHC coastal mine hunter program, \$3,142,000;

AOE combat support ship program, \$161,200,000;

TAGS Oceanographic ship program, \$43,100,000;

LCAC landing craft air cushion program, \$4,137,000;

For craft, outfitting, and post delivery, \$12,391,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1985/1989":

Trident submarine program, \$12,318,000;

MCM mine countermeasures ship program, \$5,082,000;

T-AO fleet oiler ship program, \$27,616,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1986/1990":

SSN-688 attack submarine program, \$13,312,000;

LSD-41 landing ship dock program, \$1,130,000;

MHC coastal mine hunter program, \$9,900,000;

T-AG acoustic research ship program, \$4,400,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1987/1991":

TRIDENT ballistic missile submarine program, \$9,600,000;

SSN-688 attack submarine program, \$75,956,000;

DDG-51 destroyer program, \$22,100,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1988/1992":

TRIDENT ballistic missile submarine program, \$66,469,000;

SSN-688 attack submarine program, \$29,600,000;

LSD-41 cargo variant ship program, \$5,700,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1989/1993":

TRIDENT ballistic missile submarine program, \$44,400,000;

SSN-688 attack submarine program, \$19,125,000;

SSN-21 attack submarine program, \$82,232,000;

MHC coastal mine hunter program, \$20,900,000;

AO conversion program, \$5,500,000;

T-AGOS surveillance ship program, \$15,800,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1990/1994":

Aircraft carrier service life extension program, \$42,900,000;

ENTERPRISE refueling/modernization program, \$51,000,000;

MCM mine countermeasures program, \$4,170,000;

AO conversion program, \$4,500,000;

Moored training ship demonstration program, \$9,000,000;

Coast Guard icebreaker ship program, \$59,000,000.

*[SEC. 8093. None of the funds in this Act shall be obligated for the procurement of a Multibeam Sonar Mapping System not manufactured in the United States: Provided, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet De-*

partment of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.]

SEC. 8093. (a) None of the funds available to the Department of Defense from any source during fiscal year 1992 may be obligated or expended for any activities to support the objective of launching Strategic Target System (STARS) rockets from the Navy Pacific Missile Range Facility, Barking Sands, Kauai, Hawaii.

(b) The restriction in subsection (a) does not apply to any funds required to prepare and issue an environmental impact statement of the Strategic Target System Program, in accordance with the National Environmental Policy Act (42 U.S.C. 4321 et seq.), and in accordance with any Executive Orders issued, and any regulations promulgated to implement such Act.

(c) The restriction in subsection (a) does not apply to any funds required to maintain the safety, security, and basic condition of the Strategic Target System launch complex at the Pacific Missile Range Facility.

(d) The restriction in subsection (a) does not apply to any funds required to maintain or store Strategic Target System boosters and equipment or to ensure the safety and reliability of such boosters and equipment or to operate the Strategic Target System program office.

(e) The exceptions in subsection (d) shall apply only to activities carried out within the continental United States.

(f) The restrictions under this section shall remain in effect until the date of the issuance of an environmental impact statement and a formal Record of Decision with respect to this environmental impact statement, upon completion of a formal process that complies with the requirements of the National Environmental Policy Act (42 U.S.C. 4321 et seq.), and the Executive Orders issued, and regulations promulgated to implement such Act.

[SEC. 8094. Using funds available in the National Defense Stockpile Transaction Fund, during the period of fiscal years 1992 through 1994 and using procedures covered by section 3301 of the National Defense Authorization Act, 1991 (Public Law 101-510; 104 Stat. 1844-45), the President may acquire not less than 50,000 kilograms of germanium from current domestic sources to be held in the National Defense Stockpile.]

#### SEC. 8094. SPECIAL ACCESS PROGRAM OVERSIGHT AND MANAGEMENT IMPROVEMENTS.

(a) MANAGEMENT OF SPECIAL ACCESS PROGRAMS.—(1) Section 132 of title 10, United States Code, is amended by inserting at the end of the following:

"(d)(1) The Deputy Secretary of Defense is the principal civilian adviser to the Secretary of Defense on special access programs and, after the Secretary of Defense, is the principal special access programs official within the senior management of the Department of Defense.

"(2) Subject to the authority, direction, and control of the Secretary of Defense, the Deputy Secretary of Defense shall carry out the responsibilities of the Secretary of Defense relating to special access programs for all such programs, including acquisition special access programs, intelligence special access programs, and operations and support special access programs. The Deputy Secretary shall perform such duties and exercise such powers relating to special access programs as the Secretary may prescribe. Such duties shall include the following:

"(A) Supervising the management of special access programs.

"(B) Prescribing in regulations the policies, standards, and procedures for all special access programs of the military departments and the Defense Agencies.

"(C) Approving the establishment of a special access program or any significant change (as defined in the regulations prescribed pursuant to subparagraph (B)) in the conduct or mission of a special access program.

"(3) The regulations prescribed pursuant to paragraph (2)(B) shall include the following:

"(A) Standards and procedures for the designation of programs as special access programs.

"(B) A requirement for the manager of each special access program to submit to the Secretary of Defense a reclassification schedule when the total cost of such program is expected to exceed \$50,000,000.

"(C) Standards and procedures for an annual review of the classification status of each special access program by the Deputy Secretary of Defense.

"(D) Standards and procedures for appropriate exchange of information among technologically related programs.

"(E) Standards and procedures to ensure timely oversight by officials with expertise in (i) cost, schedule, and performance reviews, and (ii) applicable intelligence or operational matters.

"(4)(A) There is for the Deputy Secretary of Defense a Principal Assistant for Special Access Programs.

"(B) The Principal Assistant is appointed by the President, by and with the advice and consent of the Senate, from among the officers of the regular components of the armed forces and serves at the pleasure of the President for a term of two years. The Principal Assistant may be reappointed in the same manner for two additional terms. However, in time of war there is no limit on the number of reappointments.

"(C) The Principal Assistant performs such duties related to special access programs as may be prescribed by the Secretary of Defense.

"(D) The Principal Assistant, while so serving—

"(i) holds the grade, as designated by the President at the time of appointment, of general or lieutenant general or, in the case of an officer of the Navy, as admiral or vice admiral; and

"(ii) is in addition to the number of officers that would otherwise be permitted for that officer's armed force under section 525 of this title.

"(5) The Deputy Secretary of Defense may delegate the performance of the Deputy Secretary's duties under this subsection only to the Principal Assistant for Special Access Programs.

"(e) The terms 'special access program', 'acquisition special access program', 'intelligence special access program', and 'operations and support special access program' have the meanings given those terms in Department of Defense Directive O-5205.7, dated January 4, 1989."

(2) The Deputy Secretary of Defense shall prescribe the regulations as required by section 132(d)(2)(B) of title 10, United States Code (as added by this subsection), not later than January 15, 1992.

(b) OVERSIGHT OF SPECIAL ACCESS PROGRAMS.—Section 119 of title 10, United States Code, is amended—

(1) in subsection (e), by striking out "or (c)" and inserting in lieu thereof "(c), or (f)";

(2) in subsection (f)(1), by striking out "are notified of the program; and" and inserting in lieu thereof "receive a notification of the program, including—

"(A) notice of the designation of the program as a special access program;

"(B) the justification for such designation;

"(C) the current estimate of the total program cost for the program; and

"(D) an identification of the existing programs or technologies that are similar to the technology, or that have a mission similar to the mission, of the program that is the subject of the notice; and"

(3) by redesignating subsection (g) as subsection (i);

(4) by inserting after subsection (f) the following new subsections:

"(g) Funds appropriated or otherwise made available to the Department of Defense may not be obligated for any special access program unless the applicable report on such program has been submitted in accordance with subsection (a), (b), (c), (e), or (f).

"(h)(1) The Secretary of Defense shall ensure that access to information relating to special access programs is granted, as provided in paragraphs (2) and (3), upon the request of the chairman or ranking minority member of a defense committee.

"(2)(A) The chairman or ranking minority member of a defense committee may designate one or more members of Congress or one or more congressional employees of such committee to be given access to information referred to in paragraph (1).

"(B) An employee may not be designated under subparagraph (A) unless the employee has a 'top secret, special compartmented information access' security clearance.

"(C) Each designation under this paragraph shall be in writing and shall specify the special access program to which the designation applies. A separate written designation is required for each special access program.

"(3)(A) If the chairman or ranking minority member of a defense committee submits to the Secretary of Defense a request for access to information relating to a special access program for which a Member or employee referred to in paragraph (2)(A) has been designated and the requested access is not granted, then funds may not be obligated for such special access program after the tenth day following the date on which the Secretary receives the request until the date on which the requested access is granted.

"(B) Subparagraph (A) shall not apply in the case of a particular request for access for a congressional employee if the President submits to the chairman of the defense committee concerned a report in writing containing (i) a certification that the provision of the information requested with respect to a particular special access program to that congressional employee would adversely affect the national security, and (ii) a detailed justification for the certification.

"(4) In this section, the term 'congressional employee' has the meaning given such term in section 2107 of title 5," and

(5) in subsection (i), as redesignated by paragraph (3)—

(A) by striking out "section," and inserting in lieu thereof "section:";

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(C) by designating the text beginning with "the term" as paragraph (1) and by capitalizing the initial letter in such paragraph;

(D) by realigning paragraph (1), as so designated, two ems from the left margin and realigning subparagraphs (A) and (B), as redesignated by subparagraph (B), four ems from the left margin; and

(E) by adding at the end the following new paragraph:

"(2) The term 'special access program' shall have the meaning referred to for that term in section 132(e) of this title."

SEC. 8095. None of the funds appropriated in this Act may be used to implement [more than fifteen] any catchment area management demonstration [sites: Provided, That each demonstration site criteria must be] projects except those projects approved by the Assistant Secretary of Defense for Health Affairs before the demonstration begins [and the project]: Provided, That any approved



projects must be consistent with the Coordinated Care initiative: [Provided further, That additional test sites cannot be initiated under any other program if the test contains catchment area management attributes:] *Provided further, That this provision does not apply to the Tidewater TRI-CAM demonstration project.*

[SEC. 8096. None of the funds appropriated in this Act may be used to fill the commander's position at any military medical facility with a medical doctor unless the prospective candidate is a trained professional administrator.]

SEC. 8096. In addition to amounts appropriated elsewhere in this Act, \$885,000,000 is appropriated for environmental restoration to remain available for obligation until September 30, 1994: *Provided, That such funds shall be available only for the actual reduction and recycling of hazardous waste and cleanup of Department of Defense sites.*

[SEC. 8097. Of the funds appropriated by this Act for Operation and Maintenance, Defense Agencies, \$20,000,000 shall be available for the Civilian Health and Medical Program of the Uniformed Services for the payment of expenses of former members of the uniformed services who are 100 percent disabled, and the dependents of such members, notwithstanding the coverage by such former members and the dependents of such members of health care insurance benefits under parts A and B of title XVIII of the Social Security Act (42 U.S.C. 1395 et. seq.): *Provided, That expenses under this section shall only be covered to the extent that such expenses are not covered and paid for under part A and B of title XVIII of the Social Security Act: Provided further, That no reimbursement shall be made for services provided prior to October 1, 1991.*]

SEC. 8097. Of the funds appropriated by this Act for Operation and Maintenance, Defense Agencies, \$20,000,000 shall be available (notwithstanding the last sentence of section 1086(c) of title 10, United States Code) to continue Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) benefits under such section for a former member of a uniformed service who is entitled to retired or retainer pay or equivalent pay and who becomes eligible for hospital insurance benefits under Part A of Title XVIII of the Social Security Act (42 U.S.C. 1395, et seq.) solely on the grounds of physical disability: *Provided, That expenses under this section shall only be covered to the extent that such expenses are not covered under parts A and B of title XVIII of the Social Security Act and are otherwise covered under CHAMPUS: Provided further, That no reimbursement shall be made for services provided prior to October 1, 1991.*

SEC. 8098. From the amounts appropriated for the Department of Defense in the Department of Defense Appropriations Act, 1991, (Public Law 101-511), Other Procurement, Air Force, funds may be used to purchase not more than 300 passenger motor vehicles, of which 290 shall be for replacement only.

SEC. 8099. During the current fiscal year, the Secretary of Defense may accept burdensharing contributions in the form of money from the Republic of Korea for the costs of local national employees, supplies, and services of the Department of Defense to be credited to applicable Department of Defense operation and maintenance appropriations available for the salaries and benefits of Korean national employees, supplies, and services to be merged with and to be available for the same purposes and time period as those appropriations to which credited: *Provided, That not later than 30 days after*

the end of each quarter of the fiscal year, the Secretary of Defense shall submit to the Congress a report of contributions accepted by the Secretary under this provision during the preceding quarter.

[SEC. 8100. During the current fiscal year, for the purposes of transactions between the stock and industrial funds of the Department of Defense and the United States Coast Guard, the United States Coast Guard shall not be subject to the surcharges assessed against stock and industrial fund customers.]

#### (TRANSFER OF FUNDS)

SEC. 8100. In addition to amounts appropriated or otherwise made available by this Act, \$318,400,000 is hereby appropriated to the Department of Defense and shall be available only for transfer to the United States Coast Guard, of which \$77,300,000 shall be available solely for the purposes of "Reserve Training" for fiscal year 1992 and \$241,100,000 shall be merged with and be available for the same purposes and same time period as "Operating Expenses": *Provided, That the foregoing transfers shall be made immediately upon enactment of this Act.*

[SEC. 8101. Section 905 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510, 104 Stat. 1621) is repealed.]

SEC. 8101. None of the funds available during fiscal year 1992 to the Department of Defense, any of its components, or any other Federal department, agency, or entity may be obligated or expended for research, development, test, and evaluation for the space-based wide area surveillance projects or activities in the following Air Force program elements: Geophysics; Materials; Aerospace propulsion; Rocket propulsion and astronautics technology; Command, control, communications; and space surveillance technology, and for the Navy's program addressing the same requirements.

SEC. 8102. During the current fiscal year, obligations against the stock funds of the Department of Defense may not be incurred in excess of 80 percent of sales from such stock funds during the current fiscal year: *Provided, That in determining the amount of obligations against, and sales from the stock funds, obligations and sales for fuel, subsistence, commissary items, retail operations, the cost of operations, and repair of spare parts shall be excluded: Provided further, That upon a determination by the Secretary of Defense that such action is critical to the national security of the United States, the Secretary may waive the provisions of this section: Provided further, That if the provisions of this section are waived, the Secretary shall immediately notify the Congress of the waiver and the reasons for such a waiver.*

[SEC. 8103. None of the funds appropriated by this Act shall be available for the compensation of military and civilian personnel assigned to each of the headquarters of the Naval Sea Systems Command, Naval Air Systems Command, Space and Naval Warfare Systems Command, Naval Supply Systems Command and Naval Facilities Engineering Command in excess of 75 percent of the number of personnel assigned to each such command headquarters as of September 30, 1991.]

SEC. 8103. Of the funds appropriated under the heading "Drug Interdiction, Defense" in Public Law 101-165, \$2,500,000 of funds previously transferred to the Department of the Treasury shall, upon enactment of this Act, be transferred to the "Emergency Management Planning and Assistance" appropriation account of the Federal Emergency Management Agency.

[SEC. 8104. (a) None of the funds appropriated or made available in this Act shall be

used to reduce or disestablish the operation of the P-3 squadrons of the Navy Reserve below the levels funded in this Act.

[(b) Notwithstanding any other provision in this or any other Act, the Secretary of the Navy shall obligate and expend funds appropriated for fiscal years 1991 and 1992 for modernization of P-3B aircraft of the Navy Reserve.]

SEC. 8104. None of the funds available to the Department of Defense may be used for research, development, test, evaluation, installation, integration, or procurement of an advanced radar warning receiver for the B-1B aircraft.

[SEC. 8105. Notwithstanding any other provision of law, none of the funds made available to the Department of the Army for fiscal years 1990, 1991, and 1992 for C-23 aircraft which remain available for obligation may be obligated or expended except to maintain commonality with C-23 Sherpa aircraft already in the Army National Guard fleet, and such funds may not be obligated for acquisition of modified commercial aircraft, unless the modifications are performed in the United States under a license agreement with the original manufacturer and are in accordance with the SD3-30 aircraft type specification as modified for Army mission requirements.]

SEC. 8105. In addition to amounts appropriated elsewhere in this Act, \$289,000,000 is appropriated for payment of claims to United States military and civilian personnel for damages incurred as a result of the volcanic eruption of Mount Pinatubo in the Philippines.

SEC. 8106. None of the funds appropriated in this Act may be obligated or expended for any contract or grant with a university or other institution of higher learning unless such contract or grant is audited in accordance with the Federal Acquisition Regulation and the Department of Defense Federal Acquisition Regulation Supplement or any other applicable auditing standards and requirements and the institution receiving the contract or grant fully responds to all formal requests for financial information made by responsible Department of Defense officials: *Provided, That if an institution does not provide an adequate financial response within 12 months, the Secretary of Defense shall terminate that and all other Department of Defense contracts or grants with the institution.*

[SEC. 8107. None of the funds appropriated in this Act may be used for costs associated with a federally funded research and development center if a member of the Board of Directors of such a center simultaneously serves on the Board of Directors of a company under contract to the Department of Defense.]

SEC. 8107. None of the funds available to the Department of Defense during fiscal year 1992 may be obligated or expended to finance the activities of Department of Defense federally-funded research and development centers at a total funding level which would exceed an amount which is ten per centum below the total funding level originally appropriated for such centers in the Department of Defense Appropriations Act, 1991 (Public Law 101-511) and its accompanying Conference Report and stipulated in its Joint Explanatory Statement of the Committee of Conference.

[SEC. 8108. Section 361 of Public Law 101-510 is hereby repealed.]

SEC. 8108. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions to the Johnston Atoll for the purpose of storing or demilitarizing such munitions.

(b) The prohibition in subsection (a) shall not apply to:

(1) any chemical munition withdrawn from the Federal Republic of Germany under a European retrograde program; or

(2) any obsolete World War II chemical munition of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

**[SEC. 8109.** None of the funds appropriated in this Act may be used to either pay the salaries of more than four Senior Executive Service positions within the Navy Comptroller organization under the Secretary of the Navy or the Chief of Naval Operations, or to compensate individuals in these positions at a rate higher than level three of the Senior Executive Service.]

**SEC. 8109.** None of the funds available in this or any other Act shall be available for the preparation of further studies on the feasibility of removal and transportation of unitary chemical weapons from the eight chemical storage sites within the continental United States. This prohibition does not apply to studies needed for environmental analyses required by the National Environmental Policy Act.

**[SEC. 8110.** None of the funds appropriated in this Act may be used to pay the salaries of debarment/suspension officials unless such personnel are assigned to a consolidated office of Debarment and Suspension within the Office of the Inspector General.]

**SEC. 8110.** Notwithstanding any other provision of law, each contract awarded by the Department of Defense in fiscal year 1992 for construction or service performed in whole or in part in a State which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: *Provided*, That the Secretary of Defense may waive the requirements of this section in the interest of national security.

**[SEC. 8111.** None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of enactment of this Act.]

**SEC. 8111.** None of the funds appropriated by this Act shall be used for the support of any nonappropriated fund activity of the Department of Defense that procures malt beverages

and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States, unless such malt beverages and wine are procured in that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

**[SEC. 8112.** (a) During the current fiscal year, funds appropriated to the Department of Defense in accordance with section 822(a) of the National Defense Authorization Act, 1991, shall be made available to establish an Executive Committee under the auspices of the Critical Technologies Institute, comprised of the Secretaries of the Departments of Defense, Commerce, Labor, and Energy along with two individuals appointed by each of the above mentioned Secretaries. The Secretaries of Defense and Commerce shall serve as co-chairmen of the committee whose sole function shall be to fulfill the requirements of this section at which time the Executive Committee shall cease to exist. For the purposes of this section—

[(1) "critical technology" means the act of a domestic industry in producing a product without which machine tools necessary to support the national defense could not be produced;

[(2) "domestic producer" means those producers, situated within the United States, or its territories, wherein over 50 percent of the total voting stock of such producer is owned and controlled by citizens of the United States; and

[(3) "national security" means the interest of the United States Government to preserve those basic conditions necessary to a domestic producer, using a critical technology, that are adequate to permit capital investment for needed improvements in technology that will enable the overall domestic industry to remain competitive.

[(b) No later than one calendar year from the date of enactment of this Act the Executive Committee shall prepare and deliver to the Committees on Appropriations and Armed Services of the House of Representatives and the Senate, the Ways and Means Committee of the House of Representatives, and the Finance Committee of the Senate a report providing—

[(1) a listing and detailing of those products determined to be within the definition of critical technology;

[(2) a summary of the general economic condition of domestic industries producing a product used in a critical technology in the United States (including, but not limited to, productivity, exportation of products, capacity, and profitability);

[(3) a summary of—

[(A) current and prospective trends in the ability to compete by such industries; and

[(B) the effect of such trends on employment and unemployment, individual and corporate income levels, private capital accumulation and investment, the balance of payments, revenues and expenditures of the Federal Government, and other relevant indicators of the economic health of such industries;

[(4) a detailed review of policies, programs, and activities of the Federal Government, State and local governments, and nongovernmental entities that adversely affect the economic health (and ability to produce) of domestic industries using a critical technology;

[(5) recommendations to—

[(A) minimize or eliminate the adverse effects of Federal policies, programs, and activities affecting such industries; and

[(B) encourage State and local governments and nongovernmental entities to minimize or eliminate the adverse effects of their policies, programs, and activities affecting such domestic industries;

[(6) a detailed review of policies, programs, and activities of foreign governments, particularly major trading partners of the United States, that adversely affect domestic industries using a critical technology in the United States and in the international marketplace, and such policies or activities that would act to impair or threaten to impair our national security; and

[(7) recommendations to encourage foreign governments to modify or eliminate policies, programs, and activities that adversely affect such industries.]

**SEC. 8112.** (a) Of the funds made available by this Act in title III, Procurement, \$8,000,000, drawn pro rata from each appropriations account in title III, shall be available for incentive payments authorized by section 504 of the Indian Financing Act of 1974, 25 U.S.C. 1544. These payments shall be available only to contractors which have submitted subcontracting plans pursuant to 15 U.S.C. 637(d)(4)(B), and according to regulations which shall be promulgated by the Secretary of Defense within 90 days of the passage of this Act.

(b) Section 8077(d) of Public Law 101-511 (104 Stat. 1892) is amended by striking out "1991" and inserting in lieu thereof "1993".

**[SEC. 8113.** (1) Notwithstanding any other provision of law, none of the funds available to the Secretary of Defense shall be used to purchase bridge or machinery control systems, or interior communications equipment, for the Sealift Program unless, in each case—

[(A) the system or equipment is manufactured in the United States; or

[(B) more than half of the value in terms of costs has been added in the United States by a United States company under license from a foreign company.

[(2) The Secretary may waive the requirement of subsection (1) of this section if, in each case—

[(A) the system or equipment described in subsection (1) is not available; or

[(B) the cost of compliance would be unreasonable compared to the costs of purchase from a foreign manufacturer.]

**SEC. 8113.** (a) Of the funds available to the Department of Defense during fiscal year 1992, not more than \$75,000,000 may be obligated or expended for research, development, test and evaluation activities undertaken pursuant to 10 U.S.C. 2371.

(b) The funds referred to in subsection (a) above may only be obligated or expended for cooperative arrangements entered into by the Defense Advanced Research Projects Agency.

(c) None of the funds referred to in subsection (a) above may be obligated or expended for any cooperative arrangement entered into by any of the Military Departments or Defense Agencies other than the Defense Advanced Research Projects Agency.

(TRANSFER OF FUNDS)

**SEC. 8114.** Of the funds appropriated in this Act for "Operation and Maintenance, De-



fense Agencies", [§5,000,000] \$15,000,000 shall be transferred to the "Radiation Exposure Compensation Trust Fund" established by section 3 of the Radiation Exposure Compensation Act (Public Law 101-426; 104 Stat. 920) to be available for the same purpose and same time period as that Fund: *Provided*, That funds transferred pursuant to this section shall be identified separately within the foregoing Trust Fund and, notwithstanding the provisions of section 9 of such Act or any contract, no part of the funds transferred pursuant to this section shall be available to pay the representative of an individual for services rendered in connection with the claim of an individual under such Act: *Provided further*, That any representative of an individual who receives such a payment shall be subject to the penalty prescribed by the second sentence of section 9 of such Act.]

[SEC. 8115. Notwithstanding section 2805 of title 10, of the funds appropriated in this Act for "Operation and Maintenance, Navy", \$2,100,000 shall be available for a grant to the Naval Undersea Museum Foundation for the completion of the Naval Undersea Museum at Keyport, Washington: *Provided*, That these funds shall be available solely for project costs and none of the funds are for remuneration of any entity or individual associated with fund raising for the project.]

SEC. 8115. The Department of Defense and the Military Services may take no action to prohibit, impede or otherwise interfere with construction of conventionally powered submarines by nonpublic owned and operated ship construction and repair entities in the United States for sale to nations with which the United States maintains bilateral or multilateral mutual security agreements, or nations which currently receive foreign military sales credits or economic support funds from the United States.

[SEC. 8116. None of the funds appropriated in this Act may be used to procure SQQ-89 systems which do not have the enhanced modular signal processor (EMSP) as the processor.]

SEC. 8116. For the purposes of this Act, the term "congressional defense committees" means the Committees on Armed Services, the Committees on Appropriations, and the Committees on Appropriations, subcommittees on Defense of the Senate and the House of Representatives.

[SEC. 8117. None of the funds provided in title III, Procurement, for Shipbuilding and Conversion, Navy, for fiscal years 1990, 1991, and 1992 may be used to procure vessels which were constructed in foreign shipyards.]

SEC. 8117. None of the funds made available by this Act shall be available for any Military Department of the United States to conduct bombing training, gunnery training, or similar munitions delivery training on the parcel of land known as Kahoolawe Island, Hawaii.

[SEC. 8118. None of the funds provided in this Act or any other Act may be used by the Department of the Army to acquire four-ton dolly jacks if such equipment is or would be manufactured outside the United States of America and would be procured under any contract, agreement, arrangement, compact or other such instrument for which any provisions including price differential provisions of the Buy America Act of 1933, as amended, or any other Federal buy national law was waived.]

SEC. 8118. (a) Funds shall be made available to the Secretary of Defense for the study of:

(1) Israeli aerospace and avionics technology and its potential applications to ATF, NATF, CAS and LH aircraft programs, as well as other anticipated aircraft programs;

(2) Potential areas of joint United States-Israel collaboration in technology research and

development projects including, but not limited to, tactical directed energy weapons; camouflage, concealment, deception and stealth measures; aerial and wide-area munitions; fiber optic guided missiles (FOG-M); and the adaptation of the HAVE NAP to the B-1 and B-2 bombers;

(3) The features and possible contributions of Israeli space technology to Department of Defense programs including, but not limited to, Israeli launchers, and including, but not limited to, cost-effectiveness in design and production of such technologies and systems;

(4) Israeli antiterrorism technologies, and their potential applications to Department of Defense programs and operations, including, but not limited to, remote-controlled robots, security fences of all types, specialized x-ray and detection machines, and fast patrol boats. The Secretary of Defense shall work with the Office of Technology Assessment in conducting an examination of these subjects;

(5) Possible applications of Israeli interdiction technologies to American efforts at drug interdiction, including, but not limited to, unmanned aerial vehicles, fast patrol boats, state-of-the-art ship and coastal radars, integrated command and control systems, and land interdiction systems such as visual and infra-red cameras, motion sensors and electronic fences;

(6) Applications of environmental technologies and manufacturing capabilities to include, but not limited to, energy storage, energy conversion and renewable energy technologies;

(7) Applications of critical technologies and manufacturing capabilities as defined by the Department of Defense's Critical Technologies Plan.

(b) The Secretary of Defense shall submit a final report with concrete recommendations and plans for implementation as appropriate to the Committees on Appropriations of the Senate and the House no later than August 1, 1992.

SEC. 8119. None of the funds appropriated or made available in this Act or any prior Acts shall be obligated or expended to implement the United States Army Corps of Engineers Reorganization Study until such reorganization proposed is specifically authorized by law after the date of enactment of this Act.

SEC. 8120. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Secretary shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

[SEC. 8121. None of the funds appropriated in this Act shall be used to implement the provisions of Public Law 101-576.]

SEC. 8121. (a) There is established on the books of the Treasury a fund entitled the "Defense Business Operations Fund" (hereinafter referred to as the "Fund") to be operated as a working capital fund under the provisions of section 2208 of title 10, United States Code. Existing organizations which shall operate as part of the Fund shall include, but not be limited to, (1) The Defense Finance and Accounting Service; (2) The Defense Commissary Agency; (3) The Defense Technical Information Center; (4) The Defense Reutilization and Marketing Service; and (5) The Defense Industrial Plant Equipment Service.

(b) Upon the enactment of this Act, there shall be transferred to the Fund all assets and

balances of working capital funds heretofore established under the provisions of section 2208 of title 10, United States Code.

(c) Amounts charged for supplies and services provided by the Fund shall include capital asset charges which shall be calculated so that the total amount of the charges assessed during any fiscal year shall equal the total of amount of (1) the costs of equipment purchased during that fiscal year by the Fund for the purpose of providing supplies and services by the Fund and (2) the costs, other than costs of military construction, of capital improvements made for the purpose of providing services by the Fund.

(d) Capital asset charges collected pursuant to the provisions of subsection (c) shall be credited to a subaccount of the Fund which shall be available only for the payment of: (1) the costs of equipment purchased by the Fund for the purpose of providing supplies and services by the Fund and (2) the costs other than costs of military construction, of capital improvements made for the purposes of providing services by the Fund.

[SEC. 8122. (a) Notwithstanding any other provision of law, funds appropriated under this Act for the Department of Defense shall be made available for the Overseas Workload Program: *Provided*, That a firm of any member nation of the North Atlantic Treaty Organization (NATO) or of any major non-NATO ally or countries in the European Theater, shall be eligible to bid on any contract for the maintenance, repair, or overhaul of equipment of the Department of Defense to be awarded under competitive procedures as part of the program of the Department of Defense known as the Overseas Workload Program.

(b) A contract awarded during fiscal year 1992, or thereafter, to a firm described in subsection (a) may be performed in the theater in which the equipment is normally located or in the country in which the firm is located.

(c)(1) Not later than June 1, 1992, the Secretary of Defense shall submit to the Committees on Appropriations of the House and Senate a report on the nature of the maintenance, repair, and overhaul work of the Department of Defense performed under the program of the Department of Defense known as the Overseas Workload Program.

(2) The report shall include the following:

(A) A description of the categories of work performed under that program and the costs associated with those categories of work;

(B) A description of the capabilities of facilities that United States firms have established in Europe to perform work under that program;

(C) A description of the capabilities to perform work under that program by firms in the United States, Canada, and countries that are major non-NATO allies of the United States;

(D) A description of the maintenance, repair, and overhaul work under that program that could be performed in the United States or Canada, or in a country that is a major non-NATO ally, on a cost-effective basis and without a significant adverse effect on the readiness of the Armed Forces of the United States;

(E) A description of the Air Force plans to expand the Overseas Workload Program to other depot maintenance activities including: prime weapon systems, aircraft, exchangeables, engine overhaul and repair, engine exchangeables and other major end items.

(d) For purposes only of this section, Israel shall be considered in the European Theater in every respect, with its firms fully eli-

gible for non-restrictive, non-discriminatory contract competition under the Overseas Workload Program.

[(e) The Secretary of Defense shall work with Israel to identify new specialized capabilities in depot maintenance and repair for which it is uniquely suited: *Provided*, That the Secretary of Defense shall report to the Committees on Appropriations of the House and Senate, not later than June 1, 1992, on its findings.

[(f) No funds appropriated for the Overseas Workload Program for fiscal year 1992 shall be used for contracts awarded in fiscal year 1992 which have not been opened for competition in a manner consistent with this provision.]

SEC. 8122. (a) Notwithstanding any other provision of law, funds appropriated under this Act for the Department of Defense shall be made available for the Overseas Workload Program: *Provided*, That a firm of any member nation of the North Atlantic Treaty Organization (NATO) or of any major non-NATO ally or countries in the European Theater, shall be eligible to bid on any contract for the maintenance, repair, or overhaul of equipment of the Department of Defense to be awarded under competitive procedures as part of the program of the Department of Defense known as the Overseas Workload Program.

(b) A contract awarded during fiscal year 1992, or thereafter, to a firm described in subsection (a) may be performed in the theater in which the equipment is normally located or in the country in which the firm is located.

(c) For purposes only of this section, Israel shall be considered in the European Theater in every respect, with its firms fully eligible for nonrestrictive, nondiscriminatory contract competition under the Overseas Workload Program.

(d) No funds appropriated for the Overseas Workload Program for fiscal year 1992 or thereafter shall be used for contracts awarded in fiscal year 1992 or thereafter which have not been opened for competition in a manner consistent with this provision.

[SEC. 8123. None of the funds appropriated or made available in this Act shall be used to purchase or acquire items from a foreign country if the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to a reciprocal trade agreement has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement: *Provided*, That a reciprocal trade agreement is any agreement between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived title III of the Act of March 3, 1933 (43 Stat. 1520; 41 U.S.C. 10a-10c) as amended by the Buy American Act of 1988 (Public Law 100-418; 102 Stat. 1545): *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis or the cost of compliance would be unreasonable compared to the costs of purchase from a foreign manufacturer.]

SEC. 8123. (a) The Classified Annex prepared by the Committee of Conference to accompany the conference report on the bill H.R. 2521 of the One Hundred Second Congress and transmitted to the President shall have the force and effect of law as if enacted into law.

(b) The amounts specified in the Classified Annex are not in addition to the amounts appropriated by other provisions of this Act.

(c) The President shall provide for appropriate distribution of the Classified Annex or of appropriate portions of the Annex, within the executive branch of the Government.

[SEC. 8124. Notwithstanding any other provision of this Act, the Department of Defense shall not expend more than \$1,000,000,000 for the use of consulting services.]

SEC. 8124. (a) Of the funds appropriated under the heading "Research, Development, Test and Evaluation, Defense Agencies" in Title IV of this Act, not less than \$27,000,000 shall be available only for the Flexible Computer Integrated Manufacturing (FCIM) Systems Programs.

(b) Of the amount made available by subsection (a) above, not less than \$4,000,000 shall be made available only as a grant to the Institute for Advanced Flexible Manufacturing Systems.

(c) The grant made available by subsection (b) above shall be administered by the Defense Advanced Research Projects Agency through the National Center for Manufacturing Sciences.

(d) Of the amount made available by subsection (a) above, not less than \$11,500,000 shall be made available to the Secretary of the Navy only for the continuation of the Rapid Acquisition of Manufactured Parts program (RAMP) and for establishing a RAMP-FCIM Center for Manufacturing Excellence.

(e) Of the amount made available by subsection (a) above, not less than \$11,500,000 shall be made available to the Secretary of the Army only for application of RAMP-FCIM technology to selected Army depots.

#### SEC. 8125. CONVEYANCE OF CLOSED BASES TO NEIGHBORING COMMUNITIES.

##### (a) FINDINGS AND PURPOSES.—

(1) The Congress finds that—

(A) The Department of Defense has been directed to reduce the size and cost of the military and this can only be accomplished by closing military installations;

(B) A military installation is a part of the infrastructure of the community in which it is located and there is a long standing symbiotic relationship between a military installation and the community;

(C) The people in an impacted community have made substantial, long term investments of time, training, and wealth to support the military installations;

(D) The loss to an impacted community when a military installation is closed may be substantial and in such cases the Congress wishes to mitigate the damage to the impacted community;

(E) An impacted community knows best the needs of the community and the best way to use available resources to meet these needs consistent with existing national priorities; and

(F) Unfettered ownership of the real property associated with a closed military installation at the earliest possible time can partially offset the loss to a community which results when a military installation is closed.

##### (2) Purpose of the section—

(A) To benefit communities impacted significantly when a military installation located in such communities is closed by authorizing the real and excess related personal property, on which the military installations are located, to be conveyed to the impacted community as soon as possible after a decision to close the military installation is made but no later than 180 days after closure; and

(B) To provide significantly impacted communities a resource which will aid in mitigating the loss incurred by the community following a decision to close a military installation and which may be used by the impacted community, as the

community deems appropriate, for industrial, commercial, residential, recreational, or public uses.

(b) IN GENERAL.—(1) Notwithstanding any other provision of law, the Secretary of Defense shall convey to an eligible political subdivision or subdivisions or State all right, title, and interest of the United States in the military installation closed pursuant to a base closure law in accordance with this section and the Comprehensive Environmental Response, Compensation, and Liability Act and the Solid Waste Disposal Act as determined by the Administrator of the Environmental Protection Agency.

(2) Even if the conditions set forth in paragraph (1) have been satisfied, the Secretary shall not convey such installation if the Secretary determines that the community or communities in the area of the real property to be conveyed are not experiencing or will not experience a significant adverse economic impact as a result of the closure of that military installation.

(c) DETERMINATIONS.—(1) The Secretary must make the determination referred to in subsection (b) in the case of a military installation as soon as practicable after the installation has been identified for closure, but in any event not later than the date on which the installation is closed.

(2) In determining whether a community is experiencing or will experience a significant adverse economic impact as a result of the closure of a military installation, the Secretary shall consider such objective evidence as the following:

(A) Declining real estate values.

(B) Increasing unemployment.

(C) Loss of revenue to the State and the community.

(D) Increasing rate of business failures.

(E) Significant decreases in total personal income.

(d) ADVANCE NOTICE TO ELIGIBLE STATES AND POLITICAL SUBDIVISIONS.—As soon as practicable after a military installation has been identified for closure, but in any event not later than the date on which the installation is closed, the Secretary shall transmit to the appropriate political subdivision, communities, counties and State to which property at such installation may be conveyed pursuant to this section advance notification of the Secretary's intention to make a conveyance of that property.

(e) ELIGIBLE STATES AND POLITICAL SUBDIVISIONS.—Property at a military installation that is to be conveyed pursuant to the requirement in subsection (b) shall be conveyed to a political subdivision or subdivisions or State in the following order of priority:

(1) To a political subdivision of a State that is designated in State law to receive the conveyance of such property and accepts the conveyance.

(2) If there is no political subdivision that satisfies the criteria in paragraph (1), then to the State in which the property is located if the law of that State designates the State to receive the conveyance of such property and the State accepts the conveyance.

(3) In the case of any real property for which neither a State nor a political subdivision of a State satisfies the criteria in paragraph (1) or (2), then to one or more political subdivisions of a State which the Secretary determines, after consultation with appropriate local officials, would best serve the interests of the residents of such subdivision or subdivisions and of the State in which the property is located, providing such subdivision or subdivisions accept such conveyance.

(4) In the case of any real property for which no subdivision or subdivisions or State accept such conveyance, then the Secretary shall offer



the property to other departments and agencies of the Federal Government.

(f) **PROPERTY TO BE CONVEYED.**—In addition to the conveyance of real property to a community or State pursuant to this section, the Secretary shall convey any related personal property that the Secretary determines is appropriate for use by the recipient in connection with the recipient's use of the real property.

(g) **CONVEYANCE DEADLINE.**—Except as provided in subsection (h), all property to be conveyed pursuant to this section in connection with the closure of a military installation shall be conveyed within 180 days after the date on which the installation is closed.

(h) **PROPERTY NOT SUITABLE FOR CONVEYANCE.**—The Secretary shall sever from the real property of a closed military installation to be conveyed pursuant to subsection (b) that real property which is not suitable for conveyance and make such transfers over a period longer than that which would otherwise be permitted under subsection (g). Property is not suitable for conveyance under the following conditions:

(1) When the political subdivision or State will not accept conveyance of a part of the real property of a closed military installation; or

(2) If the Administrator of the Environmental Protection Agency determines that such conveyance does not comply with the requirements of either the Comprehensive Environmental Response Compensation and Liability Act of 1980 or the Solid Waste Disposal Act; or

(3) When necessary to ensure completion of environmental restoration and mitigation projects.

(i) **CONSIDERATION NOT TO BE REQUIRED.**—No consideration may be required for a conveyance of property pursuant to this section.

(j) **WAIVER AUTHORITY.**—(1) Subject to paragraph (2), the President may waive in whole or in part the requirement to convey property at a military installation under subsection (b) if the President—

(A) determines that the continuation of the United States interest in such property—

(i) is vital to national security interests; or

(ii) the value of the base is so high that a conveyance to the political subdivision or State would constitute an undue windfall to the community and would not be necessary for the economic recovery of the region: Provided, That the number of waivers exercised under this Act do not exceed a cumulative total of five military installations for each package of closures approved by a commission under the Base Closure Law: Provided further, That a waiver in part shall not count against this limit if the value of the property reserved does not exceed 25 percent of the total value of such installation or if the appropriate political subdivision or State agrees with the reservation; and

(B) transmits to the Committees on Armed Services of the Senate and the House of Representatives a certification of such determinations together with the reasons for such determinations.

(2) A determination and certification in the case of the closure of any military installation shall be effective only if made before the earlier of—

(A) the date on which the installation is closed; or

(B) December 31 of the year following the year in which the closure of that installation is approved by the President.

(3) The President may extend the deadline for making a determination and certification under paragraph (2) for not more than two successive periods of 90 days by transmitting to the congressional defense committees a notification of the extension before the end of the deadline or extended deadline, as the case may be.

(4) The President may withdraw a waiver under paragraph (1) in the case of any military

installation. Not later than 180 days after the withdrawal of the waiver, the Secretary of Defense shall make the conveyance required by subsection (a) in accordance with this section.

(k) **CONTINUING RESPONSIBILITY OF THE DEPARTMENT OF DEFENSE.**—Prior to and after any conveyance of real property of a closed military installation pursuant to this section, the Secretary of Defense in consultation with the political subdivision or State shall be responsible for the following matters:

(1) To provide economic adjustment and community planning assistance including assistance in conducting public hearings to decide the appropriate use of a closed military installation to communities near the closed military installation until such time as the economic stability of such communities is achieved, as determined by the Secretary.

(2) To comply with the Comprehensive Environmental Restoration Compensation Liability Act of 1980 and the Solid Waste Disposal Act in consultation with the Administrator of the Environmental Protection Agency.

(3) To continue to carry out environmental restoration and mitigation activities relating to uses made of such installation before closure.

(l) **SOURCES OF FUNDING.**—The Secretary may expend any funds in the Base Closure Account to carry out the responsibilities referred to in subsection (k) and the Secretary shall notify the congressional defense committees in advance of the obligation of funds for such purpose.

(m) **IMPROVEMENT OF PROPERTY PENDING CONVEYANCE.**—(1) Notwithstanding any other provision of law, the Secretary of Defense and the head of any other department or agency of the Federal Government may continue, on and after the applicable date referred to in paragraph (2), to obligate funds (to the extent available) for making improvements to the property that has not been conveyed that will facilitate the conveyance of the property and are consistent with the use to be made of the property by the recipient of the conveyance.

(2) Paragraph (1) applies in the case of property at a military installation on and after the date on which the closure of that installation is approved by the President.

(n) **DEFINITIONS.**—In this section:

(1) The term "military installation" has the meaning given such term in section 2687(e)(1) of title 10, United States Code.

(2) The term "base closure law" means the following:

(A) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 102-510; 104 Stat. 1808; 10 U.S.C. 2687 note).

(B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(C) Section 2687 of title 10, United States Code.

(3) The term "base closure account" means the following:

(A) The Department of Defense Base Closure Account established by section 207(a) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(B) The Department of Defense Base Closure Account 1990 established by section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 102-510; 104 Stat. 1815; 10 U.S.C. 2687 note).

SEC. 8126. Pursuant to section 8133 of the Department of Defense Appropriations Act, 1991 (Public Law 101-511) and other applicable law, an account consistent with the provisions of section 12(b)(7)(iv) of the Act of January 2, 1976, as amended (Public Law 94-204) (43 U.S.C. 1611 note) shall be established for Calista Corporation, an Alaska Native corporation, except that references to the document referred to in sub-

section (b) are inapplicable. The account may be used to acquire properties consistent with section 12(b)(7) (v), (vi), and (vii) therein. The account shall be established with a minimum value per acre of not less than \$300 per acre upon conveyance or relinquishment to the Secretary of the Interior of the approximately 165,000 acres of lands and interests in lands identified in the "Calista conveyance and Relinquishment Agreement" dated September 1991; Provided, That the final value of the account will be established by the Secretary following a determination of the public interest values as well as the fair market value of the lands and interest being provided to the United States.

SEC. 8127. None of the funds appropriated or made available in this Act or any Act making appropriations for the Department of Defense for fiscal year 1992 may be obligated for procurement of ball bearings or roller bearings other than in accordance with the provisions of subpart 208.79 of the Defense Federal Acquisition Regulation Supplement (DFARS) as promulgated effective on July 11, 1989.

SEC. 8128. Notwithstanding Section 203 of Public Law 102-27, immediately upon enactment of this Act the Secretary of Defense shall transfer \$105,000,000 from funds appropriated for "Aircraft Carrier Service Life Extension Program" under the heading "Shipbuilding and Conversion, Navy 1991/1995" to "Other Procurement, Navy 1991/1993": Provided, That the transferred funds shall be obligated within 60 days of enactment of this Act for purchase of items to be used for a 24 month complex overhaul of the USS KENNEDY at the Philadelphia Navy Yard: Provided further, That this overhaul shall include replacement of the engines, and replacement or overhaul of any other major ship component or system necessary for the USS KENNEDY to maintain a normal operational schedule through the year 2010.

SEC. 8129. None of the funds appropriated or otherwise made available by this Act may be used to carry out the Department of Defense policy set out in the memorandum of the Assistant Secretary of Defense, Health Affairs, dated June 21, 1988 (Subject: DoD Policy Regarding Providing Non-Funded Abortions in Outside the Continental United States Military Medical Treatment Facilities) or to promulgate or carry out any other policy having the same substance, consistent with existing laws and policies governing military medical care for a member of the Uniformed Services and any dependent of the member.

This Act may be cited as the "Department of Defense Appropriations Act, 1992".

#### PRIVILEGES OF THE FLOOR

Mr. INOUE. Mr. President, before proceeding with my opening statement, may I ask unanimous consent that the following be given floor privileges during the consideration of this measure: Charles E. Cook III, Stacy McCarthy, John J. Young, Jr., and Jo Ellen de Berg.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INOUE. Mr. President, on behalf of the Committee on Appropriations, I am pleased to present to the Senate our recommendations for fiscal year 1992 funding of the programs and activities of our Government in support of our Nation's defense and security.

The bill before the Senate provides \$270.4 billion in budget authority and \$275.4 billion in outlays for fiscal year 1992 defense spending. These amounts

are very, very close to the committee 602(b) allocations of budget authority and outlays to the Subcommittee on Defense Appropriations. We are within \$1 million of our budget authority total and \$5 million of the allowance for outlays. So we are rather close to 602(b) that we have been allotted.

The bill which is before the Senate also is in accord with the authorization ceilings for each of the multiple accounts in each title of the bill. Here, again, we are very, very close to the ceilings in the Senate passed authorization bill. In numerous instances the committee filled the authorized amounts by responding to requests that members made for added funding. In most accounts we are now at the ceiling; in others we have very little headroom remaining. In point of fact, in constructing the bill for committee consideration Senator STEVENS and I tried to respond to members' requests in a very balanced, nonpartisan way and, wherever possible, we have met the requests of all Senators.

This bill does a lot for America. At a time of uncertainty, when the Soviet threat appears to be receding, we make appropriate adjustments. At a time when it is difficult to be certain that threats have, indeed, been removed, we fund the basic elements of our national strength and we preserve the vitality of our Nation's Armed Forces. And, as we look to a future where America will undoubtedly turn inward and reduce spending for military programs, we finance investments in research and developments and, we fund procurement of systems which will preserve our Nation's strength with a smaller Army, a smaller Air Force, and a smaller Navy and Marine Corps.

Mr. President, we will not leave America unprotected. We will not repeat the mistakes of the past. In the euphoria of victory, we will not cut the sinews and muscle of our Armed Forces, only to leave them on some future battlefield ill-trained, ill-equipped, and unprepared.

#### TITLE I: MILITARY PERSONNEL

The bill before the Senate fully funds the President's request for military personnel. The recommendation fully funds active duty personnel and strength at the budgeted and authorized level, which means, Mr. President, a reduction of 106,358 men and women from fiscal year 1991. We are not increasing manpower. We are decreasing it by 106,358. For the Guard and Reserve, we add back 72,360 from the budgeted reduction. The President had proposed the reduction of 107,526 in National Guard and Reserve end strength. Our reduction is not that severe. It is 35,166.

We also protect the Guard and Reserve force structure. Section 8067, a general provision of this measure, prohibits any reduction in the force structure allowance of the Army Guard and

Reserve below 450,000 and 310,000 respectively.

But, Mr. President, I'm certain all of us realize that this will cost money. But we think it is right to protect the Guard and Reserve from precipitous reductions. However, Senator STEVENS and I are both concerned that as we protect the Guard and Reserve, we do not force sharp reductions in active duty personnel. Because of our concern, we have included a provision which would require that measures to protect the Guard and Reserve in the next fiscal year will have to be funded by offsetting reductions in procurement and research and development funding and not by reductions in active duty personnel funding.

Mr. President, the bill before the Senate fully funds military personnel in the active duty components. Indeed, we have fully funded them and we have fully funded the requested 4.2 percent pay raise for military personnel. In addition, we have fully funded the Civilian Health and Medical Program [CHAMPUS] account.

#### TITLE II: OPERATION AND MAINTENANCE

For the operation and maintenance title, various pricing and fact-of-life adjustments enabled us to take \$1.9 billion out of the request. But we have put this money to good use.

For example, we have increased Army training funds by \$150 million; we have enhanced readiness by providing an increase of \$250 million for depot maintenance—that is repair and maintenance of equipment; we have provided \$78 million to improve and upgrade shipyard repair facilities; and we have provided a \$1 billion fund to meet the requirements for facilities management at Army, Navy, and Air Force installations.

Under the O&M title, we have also provided funds to really begin the environmental cleanup of our Nation's defense installations—we provide \$1.2 billion, not just for studies and research but for turning the Earth and cleaning up the mess left behind by a century of neglect. The Defense Department can become the model for responsible government in the field of environmental concerns. In this regard, we provide \$105 million in Navy O&M funding to support Navy operations and to help clean up environmental pollution in Antarctica. As an aside, I would note that we also address natural disasters—we provide a reserve of \$289 million to meet the claims of United States personnel forced to evacuate the Philippines as a result of the eruption of Mount Pinatubo.

The bill also addresses Coast Guard operations. We provide \$376 million in support of Coast Guard drug interdiction and Defense related operations.

Finally, though the amount is small, we also address the need to help our defense industries and workers in defense industries adjust to the decline in de-

fense spending. It may be noted at this juncture that the Secretary of Defense, in compliance with the mandate of the Congress, has already terminated 80 procurement programs. That would mean many defense industries and workers in distress.

So we provide funding for a defense conversion commission to study and make recommendations for coping with the economic and social changes which will inevitably follow the decline of the defense budget.

#### TITLE III: PROCUREMENT

Mr. President, the bill which the committee has recommended makes a prudent investment in the military hardware and related equipment necessary to preserve a strong defense establishment.

#### NAVY

For the Navy, we provide funds for 1 SSN-21 Seawolf attack submarine, 5 DDG-51 Aegis destroyers, 3 MHC minehunters, and 12 of the LCAC landing craft.

Mr. President, it is clear that our Nation needs to revitalize its fleet of attack submarines. The committee is concerned, however, that the Seawolf—the SSN-21 class—may be too expensive. Under current plans, only one per year is to be constructed. At 1 submarine per year, we can never sustain our goal of 60 or 70 submarines.

It might be well at this juncture to note that as we fund for 1 submarine, the Soviets at this moment are constructing 10. Last year we funded for one submarine and the Soviets constructed nine submarines. This is while they are facing an economic disaster. Therefore, the Navy is now starting to look at a follow-on to the SNN-21, the so-called Centurion. The committee has provided advance procurement funds for submarine construction, but has withheld the obligation of these funds until the Secretary of the Navy reports on his review of the submarine program and his determination as to where the future lies—with the Centurion, or some other submarine.

We address the problems of Navy air by funding procurement of 39 F/A-18 aircraft. We also provide substantial amounts of R&D funding for an advanced version of the F/A 18, the E/F version.

#### ARMY

For the Army, we are recommending the procurement of a new training helicopter—it will save money to buy rather than lease a new training helicopter; and we recommend procurement of 47 additional UH-60 Blackhawk utility helicopters. We do not fund Ahip helicopters, because none were authorized.

We also do not fund procurement of any Patriot missiles because none were requested and none were authorized. Senators will recall that we did provide \$281.2 million for 283 Patriot missiles in the Desert Storm supplemental. I



should also point out, however, that the producer of Patriot missiles has had some difficulty generating expected foreign sales and it may be necessary for us to reexamine the requirement for procurement of additional Patriot missiles in the context of the fiscal year 1993 bill.

A number of Members have expressed an interest in the multiple-launch rocket. We recommend funding of 24,000 rockets and 44 launchers. This year, in addition to procurement for the Regular Army, we are recommending the appropriation of \$110 million for procurement of MLRS for the National Guard.

We provide additional funding to meet the increased cost of procurement of the 60 M1A2 tanks funded in fiscal year 1991 and we provide funding to upgrade the M1 tank to the M1A1 tank. This, as you know, is the tank which did so well in Desert Storm. It outgunned the Russian T-72 tank and outmaneuvered it as well. In fact, the M1A1 outmaneuvered its own support vehicles, so, in R&D, we provide funds for support vehicles in the armored systems modernization program, while deferring development of the so-called Block III tank.

#### AIR FORCE

For the Air Force, we use prior year funds from the Navy's canceled A-12 program to fund F-15 support equipment. And, we make available for procurement of 12 new production F-15E aircraft the funds derived from the sale of F-15 C/D aircraft to Saudi Arabia. These 12 new production F-15E's are in addition to the 36 F-15E aircraft provided in the fiscal year 1991 appropriations act.

Because the Senate authorization bill terminated the F-16 fighter program, we do not provide funding for F-16 procurement. However, we do provide funding for 24 additional F-117 aircraft, the stealthy, wonderful plane of Desert Storm.

Mr. President, we begin to meet the requirements for airlift by funding four C-17 air transport aircraft. The budget had requested funding for six, but the contractor has experienced delays and we believe \$1.4 billion is sufficient to meet production requirements for the four aircraft.

Mr. President, I am well aware that all Senators are interested in what we are proposing for the B-2. We propose to provide full funding for procurement, that is, \$3.2 billion, and research and development at 1.6 billion. I do not believe there is any doubt that more Senators support completion of the research and development phase of the B-2 program, so we have not placed restrictions on R&D funds. We will, however, build a big, tall fence around the procurement funds.

In recent days, both the Senate Appropriations Committee and the Senate Armed Services Committee have had

several briefings on the B-2 program and the latest test results which have been reported in the press. These briefings were open to all Senators, and we do not find cause to disrupt the program. We do not find any fatal flaws in the B-2. Nonetheless, we recognize that several Senators are opposed to continued funding of procurement and many Senators are concerned about the program, particularly the low observability characteristics of the B-2.

Mr. President, some Senators are concerned, because of press reports, that the Secretary of Defense no longer has confidence in the program or that he no longer fully supports the B-2. I believe I can put those concerns to rest.

On Thursday of last week, Secretary Cheney again gave his unqualified endorsement of the B-2 program. After detailing the results of the current testing regime, the Secretary assured us that he continues to support the B-2 and that the B-2 is the stealthy aircraft it was intended to be.

Nonetheless, I understand that some members find it difficult to support the B-2, particularly at this time of uncertainty in the international arena and when there are questions about the aircraft's performance.

Accordingly, Mr. President, here is what we propose: We will provide the requested procurement funds for the B-2 under the aircraft procurement Air Force account, but will not make them available for obligation until the conditions set forth in the recently passed authorization bill are met and they will not become available until the Congress passes a supplemental appropriations bill making the funds available for obligation.

In this way, Mr. President, supporters of the B-2 will be assured that funding will not be wiped away because of controversy generated in the press and opponents will be assured a second vote on the B-2 before additional procurement funds are provided.

Mr. President, as chairman of the Subcommittee on Defense Appropriations, I know of no better way to meet my responsibilities to all Senators.

#### TITLE IV: RESEARCH AND DEVELOPMENT

In the research and development accounts, we provide funding for investment in the future of America's armed forces. Mr. President, we are not unaware that defense budgets will decline, and decline sharply in the next 3 years. Accordingly, we have been careful to avoid initiation of R&D programs which are unaffordable in the future.

#### NAVY

We do provide ample resources to those R&D programs which have been identified as required investments. For example, we provide \$250 million for the Navy's F/A 18 E/F program. This aircraft will provide the solution to the Navy's midterm problems in the area

of attack aircraft. As you are well aware, Mr. President, the termination of the A-12 program left a large hole in the Navy's plans for a follow-on to the aging A-6 aircraft.

Mr. President, we also provide \$50 million for research on the new attack submarine, the Centurion, which must be developed as a replacement for the very costly SSN-21 Sea Wolf.

#### ARMY

Under Army R&D, the largest expenditure will be for the armored systems modernization. This is the program which will develop a common chassis for: First, the next generation heavy tank; second, a follow-on to the Bradley fighting vehicle; third, a much needed replacement to our long-range artillery; and fourth, other armored vehicles. Because of the committee's concern with the need to get on with the development of new artillery, a need which was underscored in Desert Storm, where Iraqi artillery had greater range than anything we had in the field, we have provided funds to accelerate development of the new howitzer while slowing the development of the Block III tank.

It may be noted, Mr. President, at this juncture that while we are debating the necessity of funding programs for new artillery and new chassis, the assembly lines in the Soviet Union on the construction of artillery pieces and tanks continues unabated, notwithstanding the turmoil in Moscow, notwithstanding the problems they are having in the provinces. It is strange, but true, Mr. President.

#### AIR FORCE

The R&D programs in the Air Force are numerous, Mr. President, and costly. Nonetheless, we support them because we believe air superiority and the importance of strategic and tactical bombing was unquestionably demonstrated in the gulf war. That made the difference. Communications, intelligence, and control of the air over the battlefield are vital to the success of our Armed Forces.

And so for the Air Force, we provide \$900 million for Milstar satellite communications; and \$377 million for the C-17 transport aircraft.

Mr. President, this is particularly important. We must meet the need for new air transport. We will not always have U.S.-designed and U.S.-built runways and airfields waiting at the other end when we deploy our forces in response to conflict. Mr. President, Desert Storm was the exception. The airfields were built to our specs. As a result, I believe we need airplanes which can carry heavy loads over long distances and land on short runways. The C-17 is, in the committee's judgment, that airplane.

Mr. President, we also provide: \$605 million for ICBM modernization; \$193 million for Titan space launch vehi-

cles; and \$1,563 million for continued R&D on the B-2 bomber.

Mr. President, it is rather strange that while we were debating whether to carry out a program on mobile missiles, while we were debating, the Soviets were putting into operation over 250 of them.

#### DEFENSE AGENCIES

It is under defense agencies that we find the largest of the R&D programs, the strategic defense initiative. As you know, the recently passed defense authorization bill restructures this program and provides increased emphasis on a ground-based system.

Mr. President, when we were in Israel to observe the Patriot missile batteries which were deployed to Israel during Desert Storm, Senator STEVENS and I came under a Scud attack. That had the effect of sharply improving our concentration and our appreciation of the need for ballistic missile defenses. We support the SDI Program.

I also mention that, in keeping with the request General Schwarzkopf made of us, we are providing increased funding for the development of a battlefield IFF [identification friend or foe] system to enable our gunners and tank captains to recognize their friends at a distance.

#### CONCLUSION

Mr. President, those are the principal recommendations for funding.

As you are well aware, the Defense appropriations bill carries a large number of general provisions—in this case over 100, which cover a variety of subjects. I will not review all of them. Most have been carried in our bill for a number of years.

I also wish to call to the attention of all Senators the committee's recommendations for classified programs. The classified annex to the committee bill and report are available for review in the offices of the Office of Senate Security, which is just outside of S-407, and I would recommend that all Senators study the classified next.

Mr. President, there is one matter which I should discuss before concluding. Later today, or perhaps tomorrow, we expect the chairman of the Budget Committee and other Senators to propose an amendment striking certain funds for weapons procurement from the bill. In one stroke, the amendment would seek to overturn major recommendations which the Subcommittee on Defense Appropriations; has made after conducting a thorough review of the President's budget request. The amendment, I believe, is contrary to my judgment as chairman of the Subcommittee on Defense Appropriations; it is also contrary to the judgment of the Secretary of Defense, and it is contrary to the judgment of the Chairman of the Joint Chiefs of Staff.

Mr. President, in a recent, special briefing before the Appropriations Committee, Gen. Colin Powell, the

Chairman of the Joint Chiefs of Staff, spoke frankly and candidly about his fears for the future of America's Armed Forces.

He expressed his concern that measures to keep the Guard and Reserve at current levels, or to prohibit the managed reduction of the regular force, will lead to a top heavy structure of aging military personnel.

General Powell expressed his concern that reductions in procurement and research and development could erode the qualitative edge our service men and women have on the battlefield. A qualitative edge which will grow ever more important as we reduce the number of men and women under arms.

The general expressed his concern that we would build a hollow force with outmoded equipment and overage soldiers.

Mr. President, we must not allow that to happen. We must manage reductions in force levels and defense spending. We all know these reductions will come over the next several years. We, on the Defense Appropriations Subcommittee, have begun to make them.

But, Mr. President, I implore the Senate to choose the course of patience and wisdom. We have seen what happens when America is unprepared. I hope, as we approach the eve of the 50th anniversary, we will remember Pearl Harbor and, I believe, Mr. President, we should remember the cooks, clerks, and stevedores which comprised our forces at the Pusan perimeter in Korea. In 1949 it was the judgment of this Congress to cut down a military that was 12½ million in the height of World War II down to less than 500,000. A year later the North Koreans decided to move, assuming that the United States had no stomach for war again. That was a fatal assumption on their part. But, nevertheless, they crossed the line, and the only way we were able to counter this was with cooks, clerks, and stevedores, and this is no exaggeration, Mr. President.

Experts have told us time and again that the first 10,000 casualties in the Korean war would and should have been avoided. But we were not prepared. They were not ready and they were not trained.

So, Mr. President, let us resist the temptation to solve our fiscal woes by a single stroke of a budget razor which would slash funding for our national security requirements.

Mr. President, that concludes my remarks. I am extremely pleased to yield the floor to my very distinguished colleague and a dear friend whose sage counsel and good humor have made my life much easier and my work much more productive, and that gentleman is the senior Senator from the State of Alaska, TED STEVENS, the ranking minority member of the Subcommittee on Defense Appropriations.

The PRESIDING OFFICER (Mr. SIMON). The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I thank the Senator from Hawaii, the chairman of our subcommittee for his kind remarks and I am grateful for the opportunity to join him in presenting our subcommittee's report and now the full committee's report on appropriations for the Department of Defense for 1991.

The chairman has summarized the contents of the bill, and I will try not to duplicate his comments. I want to take the Senate's time to reflect for a few minutes on how this bill is different from the many Defense appropriations bills I have helped manage here on the floor for at least 10 years and for 10 years prior to that to participate in as a member of the subcommittee.

This bill reduces the funding available to the Department of Defense by \$4½ billion, compared to the current year we are in right now, 1991. It adheres to the limits set for defense spending during the budget summit last October. I know we are going to be pursuing the future implications of defense funding as we discuss this bill. But I would like to raise the Senate's awareness of just how much has been cut from defense and how much more it will be reduced over a period of years.

So, I have borrowed some charts from both the Secretary of Defense and of the Chairman of the Joint Chiefs of Staff in the briefing Senator INOUE has mentioned that we already have received.

This first chart that I have before the Senate shows that defense spending has dropped substantially from its peak days of 1985 on the left and will continue to drop through 1995 on the right-hand side of the chart.

For the 6-year defense plan submitted by the current Secretary of Defense, the reduction will stay on course and it will average about 3 percent in terms of real reductions a year but it will be even more drastic this year. On this chart, it will decline a real 34 percent. They are not phony numbers nor are they based on phony estimates. These are real cuts, cuts in real people, in procurement, in research and in the total defense infrastructure of the United States.

Now, the chart is a little busy. But let me say we are on an actual decline of an average of 3 percent.

But this year the bottom line—which appears in green on the chart for those who can see the colors—the actual reduction is minus 11.3 percent.

In terms of this chart, I think it is important to realize that these are constant dollars. These are really real dollars.

This Senator believes—and I hope that many of the Senators present will suggest later in the debate on this bill



the same thing—defense spending must be assessed in the context of our overall Nation's economy and Federal activities with taxpayers' money.

These next two charts I think depict with considerable starkness the current and planned state of defense spending. The first is defense as a share of Federal outlays from 1950 through the 6-year plan of the Secretary of Defense. It has come down from 57 percent of all Federal outlays to 43 percent, in 1965. It went back up to 27 percent in 1985 during the Reagan years. In this fiscal year we are considering 19.6 percent. By the end of the 6-year plan it will be 18 percent. It will be at its lowest share of Federal expenditures in 50 years at that point. It is already at its lowest level since the Korean war.

Clearly evident in this graph are the peaks that I mentioned, but even during the trough years of defense spending in the late 1970's the Department consumed some one-quarter, roughly, of the Federal budget.

The year we are considering drops below 20 percent—as I said—it will be at 18 percent or lower by 1986.

This is not a plan that has been conceived up here in the Congress. This is before the cuts of the Congress. This is before the cuts that even some of this bill suggests. This is based upon the projection of the administration, projection of the Secretary of Defense, and the projection of the Chairman of the Joint Chiefs of Staff.

I think that it is well to remember, for those people who say let us cut defense, that we have been constantly reducing defense as a percentage of Federal taxpayers' expenditures.

Let me turn to the next chart now. This is defense outlays as a percentage of the gross national product during the same period, from a high of 11.9 percent to 3.6 percent of the total GNP of this country by 1996. In the bill before the Congress—this is the administration's bill now, again before it is cut—it is at 4.7 percent.

This means that between this year which we are considering now and 1996 defense spending will decline by 20 percent of the gross national product, from 4.7 percent to 3.6 percent.

We are roughly the same share of the gross national product at this point as we were in 1978. And I need not remind the Senate of what happened in 1978. We had battleships that could not leave the dock, we had planes that could not fly because we did not have spare parts, and we had a shortage of moneys for readiness, for steaming hours, for flying hours. We were forced to increase the level of defense.

I want to set this before the Senate because I would like to make my point as clearly as I can. Our budget woes and our crisis, as some Senators will state it, is because we are spending too much on defense. By every measure, I

think defense is costing less and less of our taxpayers' money, and of our gross national product.

The Defense Department has indicated its willingness to make these reductions, and to comply with the summit agreement. The problem is, now, that defense is the only portion of our national budget that has been and will continue to be reduced. We are not spending too much on defense, if we look at the world. I will be saying more about that as we continue to debate this bill in later days.

But instead of looking to one center in the Soviet Union to control the massive amount of their nuclear weapons and missiles, we will now be dealing, it appears, with some 15 separate centers. The nuclear-powered world is becoming more complex as the days go on, as we are learning even right now in Iraq.

I believe that those of us who are supporters of defense and readiness—and I think every Senator should be if he is familiar with the Constitution because it is our first call under the Constitution to provide for the common defense.

We believe that we entered into an agreement last year in good faith in an attempt to constrain the growth in the deficit. So far as defense is concerned, this bill complies with that agreement not only in intent but in fact. I congratulate my good friend from Hawaii for his absolute adherence to that agreement.

The bill before the Senate is below the 602(b) allocation level. It is consistent with the budget agreement entirely. We have done our work in conjunction with the Department of Defense, not entirely rubberstamping their request. But we have presented what we believe to be a program for maintaining the integrity of our defenses, and maintaining our position as the only superpower left in the world. We are the only power on Earth that can make the United Nations resolutions meaningful.

The question is, will we continue to maintain the integrity of the defense portion of the summit agreement or will that be changed? The portion that causes the greatest concern for me is in the area of personnel and force structure. This is one of the charts that was used by Gen. Colin Powell as he presented the force structure analysis to our Defense Appropriations Subcommittee.

I think it is well to review it because this is our Nation's most distinguished commander of all the forces directly under the Commander in Chief, subject of course to the guidance of the Secretary of Defense.

He devised this in carrying out his obligations to comply with the summit agreement. He projects that we will have to reduce the Army divisions from 26, of which there are 16 active components, to 18, of which 12 will be active

by 1995, plus 2 cadres that will be ready for expansion, if necessary.

You can see the various other items on the chart. The Marines, of course, are not substantially reduced. They still are in force for ready response. Aircraft carriers are down from 15 to 12. Carrier air wings, 15 down to 13, which 11 active. Ships down from 536 to 448.

This is, in this one time period, knowingly, that the line continues going down from there. I think that it is important for us to follow through on this chart to realize what this means. No portion of the department will escape cuts. The reductions are tailored to provide a total force capability, as General Powell so forcefully presented to us. This is not just equal distribution, cutting across the line. It is a force structure to carry out the total responsibilities of our Government.

We have tried to keep the part of the bargain that we made to hold down the deficit, to live within our means. I do believe that there are initiatives in this bill that should be discussed, and I want to name one in particular. That is, that the bill fully funds the authorized level of active component and National Guard and Reserve personnel in the Armed Forces.

What it means is that we have tried to avoid that hallowed army, hollowed military, as Chairman INOUE has mentioned, and that General Powell mentioned. It provides that funds to maintain both the military and civilian personnel, to keep the faith with the people that constitute the military services and civilian infrastructure of the Department of Defense.

The bill does also sustain the President's top strategic priorities in the B-2 bomber and SDI. I have explained to the chairman that I am a little concerned about the prospects for a second vote coming on a supplemental next year, but I do commend Senator INOUE for bringing the program forward in this bill, and I hope to work with him to sustain the B-2 during the floor consideration on the bill.

On SDI, this bill is at the authorized level that the Senate has already passed this year at \$4.6 billion. Events in the Middle East and in the Soviet Union, as I have mentioned, continue to keep development of this defense system, a nonnuclear response to the potential of nuclear attack on our country, as one of the top priorities.

I, for one, would really like to see the Senate and Congress go on record to abandon the concept of mutual assured destruction and, instead, give us the capability for defending this country, as we had the capability of defending Saudi Arabia and Israel by destroying the Scuds as they were launched against those two countries.

Senator INOUE and I did have the dubious honor of being present in Israel

at the time of one of the Scud attacks, and we went out to look at the damage the next morning.

I think that it is really sobering to realize that we have no defense at all against an unauthorized launch of a missile from another nation, from an accidental launch or a terrorist launch of nuclear missiles coming through the atmosphere toward our country. SDI becomes, as far as this Senator is concerned, even more important for the next generation of systems.

We are shrinking our military forces in size, and as we do, their readiness and the quality of their equipment becomes paramount. We have, in this bill, sustained that next generation of systems, and the design to give the next generation of those who are on the battlefield, God forbid, from this country, the same kind of superiority that the United States forces just had in the gulf against the forces of Iraq.

The adjustments did reflect changes in the world. I particularly take note of the armored systems modernization program, which the committee report addresses in detail. I support that modernization program, but I do believe it must be consistent with our best assessment of future threats and requirements.

I am hopeful that the Senate will allow us to move this bill quickly to conference, even on the systems that are substantially in question here, the B-2 and SDI. They will be even more so in the conference.

This bill adheres to the priorities, as I have said, set by the Senate during our recent consideration of the authorization bill. This time, we have worked consistently with our colleagues, particularly the chairman, the Senator from Georgia [Mr. NUNN], and the ranking member, the Senator from Virginia [Mr. WARNER], to make certain that we will reduce the number of conflicts between those of us who manage defense-related bills on the floor.

I believe this is a good bill, and I believe that the Senate should authorize us to go to conference as quickly as possible, as I have said, so that we may try to present the Department of Defense with their full authorization and appropriations bill before the end of the fiscal year.

I thank you, Mr. President, and I yield the floor.

• Mr. D'AMATO. Mr. President, I want to take this opportunity to thank the chairman, Senator INOUE, the ranking member, Senator STEVENS, and their staffs for the fine work they have done in putting together the Defense appropriations bill before us now.

Many of my colleagues probably fail to realize that this year represents the seventh year of decline in defense spending in real terms. The days of consolidations, of reorganizations, and of restructurings are over. Companies are going to die, and jobs will be

permanently abolished. Bases will continue to close. Units will disband, ships will be tied up, planes sent to the boneyard, and service men and women will be involuntarily separated, many after serving bravely in the Persian Gulf.

I can only hope that my colleagues will be as skillful in compensating for these reductions as the chairman and ranking member were in making the cuts.

My State, long a major player in defense, was treated with extraordinary evenhandedness by the subcommittee. With the exception of the F-14 Tomcat, which, as everyone knows, thrives best in the rarified air of conference, New York's defense interests could not have been more fairly handled. We had our losses, but core programs and facilities have been sustained.

This is a good mark. I urge my colleagues fullest support, and I look forward to defending the interests of the Senate in conference. •

Mr. INOUE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, before I send to the desk a series of amendments, I would like to thank my colleague from Alaska for his words of support.

If I may, I will spend just a few moments touching upon aspects of this measure that may not be well known to the people of the United States.

In recent days, the phrase "peace dividends" is heard quite often, because people anticipate that with the cuts we are making—a reduction of 106,000-plus men and women from the Armed Forces; closing up of over 80 procurement programs; closing up over 100 bases and installations in the United States; and over 300 bases and installations abroad—one can see savings coming out of this.

I would like to point out to you, Mr. President, the dark side of the savings. Of the 106,000-plus men and women who will be receiving the pink slips from the U.S. Government, very few have jobs waiting for them as they step out of uniform. Keep in mind that there were those who fought in Desert Storm and, within a week of their return, received their pink slips because it was part of our program. So what does that mean? Unemployment compensation; it does not show up in this bill; it shows up in some other account. But that account is paid for by American taxpayers. Welfare payments; that does not show up in this account; it shows up in another account.

Mr. President, you know as well as any one of us here that there is a sad correlation between unemployment and crime. So one can anticipate the rise in crime statistics, and that will be costly, Mr. President.

When we terminate 80-plus procurement projects in one factory—5,000 men and women fired overnight—we in the

Senate may not sense it, but for the 5,000 families, it means mortgage payments not being kept up. Something is going to happen if you do not pay mortgages. They are not able to send children to the schools that they had planned for; they are not able to purchase from the supporting facilities in the shopping mall.

It has an effect like a tidal wave. It is just not one person. And multiply that by 80 procurement projects. We are taking painful steps, Mr. President. And when we close up over 100 bases, I am certain all of us know of someone who worked at one of the bases or installations. Suddenly, no work.

We are not saving money, Mr. President. We are saving it from this bill, but somewhere else we taxpayers of the United States will have to pick up the tab. And that is why the leadership of the Appropriations Committee has been counseling to one and all that we do this with prudence, with good management style, and with patience.

Mr. President, history shows us that the temptation is so great that we have precipitately cut at the end of each war. We happen to have done some research on our first major war, the Revolutionary War. And in that war, our great President, Gen. George Washington, was in command of a force of 30,000 men. That is right. The Continental Army was made up of 30,000 men. Within a year after the end of that war, we cut our forces—the Congress of the United States, our predecessors, said the millennium has arrived. Our forces were cut from 30,000 to 80; 55 at West Point, 25 at Pittsburgh.

A few months later the British looked upon this and said, "These colonists have no stomach for war." And what was the result? They burned this building and the White House.

As I indicated, at the end of World War II, a force of 12.5 million was cut to about one-half million, and the North Koreans took that as a signal. It was a bloody and costly war.

At the end of World War I, we became neutralists. Imagine Gen. George C. Marshall, who was then a lesser general, going to Leavenworth, taking over a command of the whole camp, a grand army of less than 200 cooks and clerks. That was his army. General Patton, the great tank commander, went to Fort Benning. He took over command of the tank forces of the United States. We had 325 of them, but most of them were not operational because they were missing nuts and bolts. He submitted, as all officers would, a request for nuts and bolts for the 325 tanks. The Army said, "We don't have any nuts and bolts." Gen. George Patton had to go to Sears Roebuck to pick up those nuts and bolts.

I was in World War II, Mr. President, and I remember going into maneuvers with jeeps with cardboard sides—tanks; that was a tank. Some of the men did



not have rifles. We had wooden rifles, the kind that we had when we were little children. Many times you wonder how we won the war, but we did. We do not want to repeat it.

## AMENDMENT NO. 1184

Mr. INOUE. Mr. President, I send to the desk a series of amendments making technical corrections to the bill as reported by the committee, and I ask unanimous consent that they be considered and adopted en bloc.

Mr. President, this matter has been cleared on both sides.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. They will be considered en bloc.

Without objection, the pending amendment will be set aside, and the amendments are agreed to en bloc.

The amendment (No. 1184) was agreed to as follows:

On page 11, line 21 strike "Provided further,".

On page 43, line 2, strike the "," following "1993".

On page 57, line 3, after "30," insert "days" and line type.

Mr. STEVENS. Mr. President, if my colleague will yield, I am reminded that we are coming very close to the 50th anniversary of the attack on his State on December 7, 1941, in a war that later led to the invasion and occupation of two of the islands in my State. I was just thinking a little bit about the strange course of fate and history that the two of us stand here today, both veterans of World War II. The Senator from Hawaii paid much more dearly for his participation in that war than I. I saw service in China as a pilot, and he saw service in Europe.

But we are asking the Senate not to let history repeat itself. We have just come through a very successful engagement, and we have, in effect, disclosed a great many of our Nation's secrets in order to win that war. Many of the items that are described in the classified indexes we have invited Senators to peruse will demonstrate that our projection of needs is even more complicated for the future. This is not a time when we can simulate a B-2. We could not fly an old P-40 through and put a sign on it that says, "This is a stealthy airplane." We cannot imitate the past in order to meet the challenges of the future in protecting this country, in our opinion.

We have joined together, a Democrat and a Republican. We have no arguments in this bill. I do not think we are entirely satisfied with everything in it, but it is the best bill that we could bring to the floor to meet the needs as we perceive them. I am hopeful that it will be viewed from that point of view by the Members of the Senate.

I particularly share the comment of the Senator from Hawaii about the peace dividend. In the first instance,

the dividend is peace. We have witnessed the disintegration of the forces of communism. We have shown and demonstrated the will of the United States to be capable of defending our country against any type of system they could devise.

And now, as I said before, the question is how many small Hitlers are there out in the world of the next century. This bill will fund systems that will not fly or float or be fired during either of our lifetimes. They pertain to systems that now take 4 and 5 years to come through research and development, and after that, years to production. We are funding the follow-on to the marvelous systems that we have just used in the Persian Gulf war.

I think properly viewed by the country, the judgment of our President, who similarly is a veteran of World War II, a man with unique experience in terms of his lifetime, in terms of his service in the CIA, as an ambassador, and as our ambassador to the United Nations—I think my point is we would hope that the country will realize that these systems are our insurance policy for the future. And I for one hope they survive.

I thank my good friend for what he has done today.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, I believe the previous order would prohibit any votes being taken this day. The Appropriations Committee has made its opening remarks. The bill is laid down for consideration.

I feel it is now up to the majority leader to schedule us, but I have been advised that it will very likely be sometime Wednesday morning when we will resume consideration of this measure. So, if there are none others wishing to speak, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. INOUE. Mr. President, I ask unanimous consent there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE PRESIDENT RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on September 20, 1991, during the recess of the Senate, received a message from the President of the United States submitting a nomination; which was referred to the Committee on the Judiciary.

(The nomination received on September 20, 1991 is printed in today's RECORD at the end of the Senate proceedings.)

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1937. A communication from the Director of the Arms Control and Disarmament Agency, transmitting, pursuant to law, the report on Arms Control and Disarmament Studies; to the Committee on Foreign Relations.

EC-1938. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on Budget Rescissions and Deferrals dated September 1, 1991, pursuant to order of January 1, 1975, as modified by order of April 11, 1986, referred jointly to the Committee on Appropriations and the Committee on the Budget.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation and the Committee on Labor and Human Resources, jointly, without amendment:

S. 1563. A bill to authorize appropriations to carry out the National Sea Grant College Program Act, and for other purposes (Rept. No. 102-155).

By Mr. BIDEN, from the Committee on the Judiciary:

Report to accompany the bill (S. 646) to amend title 28, United States Code, to authorize the appointment of additional bankruptcy judges (Rept. No. 102-156).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. JOHNSTON (by request):

S. 1739. A bill to authorize the Secretary of the Interior to permit the use of lands within the Colonial National Historical Park in the Commonwealth of Virginia to enable natural gas service to be provided to the Coast Guard Reserve Training Center; to the Committee on Energy and Natural Resources.

By Mr. PRYOR:

S. 1740. A bill to amend the Older Americans Act of 1965 to improve the interstate funding formula for State and community programs on aging, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. STEVENS (for himself and Mr. D'AMATO):

S.J. Res. 201. Joint resolution designating the week beginning on October 6, 1991, as "American Magazine Week"; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INOUE (for Mr. CRANSTON):

S. Con. Res. 63. Concurrent resolution directing the Secretary of the Senate to make technical corrections in the enrollment of the bill S. 868; considered and agreed to.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSTON (by request):

S. 1739. A bill to authorize the Secretary of the Interior to permit the use of lands within the Colonial National Historical Park in the Commonwealth of Virginia to enable natural gas service to be provided to the Coast Guard Reserve Training Center; to the Committee on Energy and Natural Resources.

### USE OF CERTAIN LANDS WITHIN COLONIAL NATIONAL HISTORICAL PARK

Mr. JOHNSTON. Mr. President, pursuant to an executive communication referred to the Committee on Energy and Natural Resources, at the request of the Secretary of Transportation, I send to the desk a bill to authorize the Secretary of the Interior to permit the use of lands within the Colonial National Historical Park in the Commonwealth of Virginia to enable natural gas service to be provided to the Coast Guard Reserve Training Center.

Mr. President, this draft legislation was submitted and recommended by the Secretary of Transportation, and I ask unanimous consent that the bill, the executive communication and analysis which accompanied the proposal be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1739

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior (hereafter referred to as the Sec-*

*retary) is authorized, under regulations generally applicable to utility rights-of-way in the National Park System, to issue a right-of-way permit to the Virginia Natural Gas Company granting an underground easement for the construction, operation, and maintenance of one natural gas distribution pipeline under and across the Colonial National Historical Park in the Commonwealth of Virginia in order to provide natural gas service to the United States Coast Guard Reserve Training Center at Yorktown, Virginia. The natural gas pipeline shall be located from the southeast corner of Main Street and Bacon Street in Yorktown to the Coast Guard Reserve Training Center entrance, along a route to be approved by the Secretary.*

### ANALYSIS

The Federal Energy Management Improvement Act of 1988 (Public Law 100-615, November 5, 1988) requires the Coast Guard, by Fiscal Year 1995, to reduce energy consumption in its buildings by 10% per gross square foot, from a Fiscal Year 1985 base. The Coast Guard has determined that natural gas would be a superior alternative energy source at its Reserve Training Center at Yorktown, Virginia, and has decided to convert from electric and oil-fired energy sources to natural gas at that facility. The use of natural gas, as compared to other energy sources, will greatly help the Reserve Training Center meet the 10% reduction goal. Analysis of associated costs has led to the conclusion that conversion to natural gas would be more economical than continued use of either oil or electric energy at the Coast Guard Reserve Training Center. This proposed legislation would authorize the Secretary of the Interior to issue a permit to the Virginia Natural Gas Company granting an underground easement for the construction, operation, and maintenance of a natural gas distribution pipeline within the Colonial National Historical Park (Yorktown Battlefield) in order to provide natural gas service to the Coast Guard's Reserve Training Center.

The underlying rationale supporting the decision to convert to natural gas is a combination of factors, including environmental protection, energy conservation, and budgetary considerations. That decision was made in response to Congressional mandates for greater energy conservation, no-growth operating budget restrictions, Environmental Protection Agency regulations concerning upgrading and monitoring underground storage tanks, and an increased concern for air quality. In order for the conversion to natural gas to be accomplished, however, it will be necessary to connect the Training Center to an existing natural gas main in the town of Yorktown by having a natural gas distribution pipeline installed across the Yorktown Battlefield by the Virginia Natural Gas Company. Congressional authorization, similar to that contained in Public Law 101-573 (November 15, 1990), is necessary to enable the National Park Service to issue a right-of-way permit for a natural gas distribution pipeline to be constructed across the Yorktown Battlefield.

When comparing the two energy sources of electricity and natural gas, for example, electricity energy values include power plant production and transmission line losses, while natural gas has no such losses. The savings resulting from the elimination of those distribution losses can be as high as 70% when compared to natural gas. The proposed conversion will also reduce the Train-

ing Center's total energy costs by reducing its electrical peak demand. The cost of electricity consists of usage and demand charges. The demand charge represents about 60% of the total cost to the customer. Converting cooking equipment in the Training Center's three large kitchens to natural gas, for example, would lower the electrical peak demand and, therefore, considerably reduce that portion of the total bill.

Moreover, Environmental Protection Agency requirements, contained in 40 C.F.R. Part 280, have greatly increased the costs associated with maintaining underground storage tanks for fuel oil. These regulations mandate inventory control, annual testing, automatic tank gauging, vapor monitoring, interstitial monitoring, etc. As a result of the EPA regulations, the 29 existing underground fuel storage tanks at the Reserve Training Center would have to be replaced, at considerable expense, with double-wall tanks equipped with monitoring systems. Conversion to natural gas would eliminate the need to replace the existing underground fuel storage tanks with new underground tanks, although the existing tanks would still be removed. Moreover, a cleaner, environmentally safe form of heating will be provided.

The Training Center presently has three new buildings in the planning stage for construction. The design for the first of these projects began in January 1991. The Training Center intends to design the new facilities for natural gas use and to begin the process of overall conversion to natural gas in September 1991. Therefore, appropriate legislative authority for pipeline construction across the Yorktown Battlefield is necessary at the earliest practicable time in order to meet that schedule. Delays in the availability of natural gas past that date also will result in the Training Center starting to replace existing underground fuel tanks in order to meet various EPA deadlines, based on the characteristics of each individual tank.

Environmental, cultural, and fiscal assessments currently are being prepared by the Virginia Natural Gas Company in anticipation of the permit application process. They are expected to conclude that the proposed pipeline, if authorized, would not adversely impact upon the Yorktown Battlefield; that there are no practical alternatives to the proposed route across the Park; and that mitigation actions will be taken. The Superintendent of the Colonial National Historical Park has informed the Coast Guard that, "given the information presently available, we believe the proposed pipeline will not compromise park resources or park values. Also, it appears that the assessment of other alternative locations for the pipeline . . . will show that there are no other practical alternatives. For these reasons, we will support the proposed legislation . . ."

The Yorktown Battlefield would directly benefit from the proposed conversion to natural gas, even with the temporary, minimal disruption along an existing road for installation of a relatively small, four-inch distribution pipeline. The transport of oil products by tank trucks through the Park would be eliminated, improving both the safety and aesthetics of Park roads. The removal of fuel storage tanks from the Training Center also would achieve the benefit of eliminating possible sources of pollution of the water table beneath the Park, which virtually surrounds the Training Center. Most significantly, the authorization for a permit to be granted in this case would provide a fair balance be-



tween the significant Federal goals of energy conservation, environmental protection, and fiscal responsibility on the one hand, while safeguarding the competing interest in protecting National Park lands by requiring full compliance with the very rigid requirements of the permit process authorized by this legislation.

THE SECRETARY OF TRANSPORTATION,  
Washington, DC, September 4, 1991.

Hon. DAN QUAYLE,  
President of the Senate,  
Washington, DC.

DEAR MR. PRESIDENT: This letter transmits proposed legislation "To authorize the Secretary of the Interior to permit the use of lands within the Colonial National Historical Park in the Commonwealth of Virginia to enable natural gas service to be provided to the Coast Guard Reserve Training Center."

The Coast Guard Reserve Training Center at Yorktown, Virginia, presently uses electric and oil-fired energy sources. The Coast Guard has determined that natural gas would be a superior alternative energy source at that facility. That determination was made in response to Congressional mandates for greater energy conservation, no-growth operating budget restrictions, Environmental Protection Agency regulations concerning upgrading and monitoring underground storage tanks, and an increased concern for air quality. Connecting the Training Center to an existing natural gas transmission line in the town of Yorktown can be accomplished most practically by traversing an already disturbed area along the shoulder of an existing road within the boundaries of the Colonial National Historical Park (Yorktown Battlefield).

This proposed legislation would authorize the Secretary of the Interior to issue a permit to the Virginia Natural Gas Company granting an underground easement for the construction, operation, and maintenance of a natural gas transmission pipeline within the Yorktown Battlefield in order to provide natural gas service to the Coast Guard's Reserve Training Center. Precedent for this proposal may be found in Public Law 101-573 (November 15, 1990).

There are no personnel or budgetary increases associated with this proposal. In fact, this authorization will enable the Coast Guard to reduce energy costs in compliance with applicable provisions of the Federal Energy Management Improvement Act of 1988.

The Office of Management and Budget has advised that there is no objection, from the standpoint of the Administration's program, to the submission of this proposed legislation to Congress.

It is recommended that the proposed legislation be enacted by Congress.

Sincerely,

Samuel K. Skinner.

By Mr. PRYOR:

S. 1740. A bill to amend the Older Americans Act of 1965 to improve the interstate funding formula for State and community programs on aging, and for other purposes; to the Committee on Labor and Human Resources.

INTERSTATE FUNDING FORMULA EQUITY ACT

• Mr. PRYOR. Mr. President, for the past 25 years, the Older Americans Act has improved the lives of our Nation's elderly and their caregivers. The act has authorized a great number of diverse and important social services,

ranging from neighborhood senior centers and meals on wheels programs to long-term care ombudsman and legal assistance services. As chairman of the Special Committee on Aging, I have carefully examined the effectiveness of the act and I am deeply committed to preserving and enhancing its ability to assist older Americans in maintaining their independence and dignity.

Last year, the Special Committee on Aging convened a series of informal workshops that brought together Federal, State, and local government officials, social service providers, volunteer caregivers, academics, and elderly persons who utilize social services. Workshop participants took a fresh look at the act, asked hard questions about its effectiveness, debated tough issues about its future direction, and explored a range of legislative improvements that might be necessary or desirable. While many significant policy changes were suggested during the course of the workshops, their central finding was that the OAA has been tremendously successful in serving our Nation's elderly citizens and their caregivers.

One reason the OAA has enjoyed such broad-based support over the past 25 years is its declared objective to serve all individuals 60 years and older, regardless of income. While adhering to this goal, the act has also recognized the need to focus limited resources on those in the greatest social and economic need.

Indeed, the first in the Committee on Aging's series of workshops addressed the issue of targeting. While no consensus was forged regarding how best to target OAA services, a number of interesting observations emerged, including the fact that the interstate funding formula fails to take into account the economic disparity that exists among the States.

Currently, the OAA distributes money to individual States based on the number of persons aged 60 years and over. States with a smaller 60 plus population are provided with less money without consideration of the economic status of their elderly residents. Today, I am introducing a bill which will alleviate the tremendous burden placed on those States with a disproportionate number of elderly persons with incomes below poverty.

While current budget constraints are stretching all States' ability to serve a burgeoning elderly population, States with a disproportionate number of needy elderly are especially hard hit. Thus the legislation I introduce today proposes to distribute dollars based upon States' low-income elderly population. No State will receive fewer OAA dollars as a result of my proposal.

The OAA already requires that States target services to those in the greatest social and economic need. My legislation merely recognizes the eco-

nomie disparity that exists among the States when funds are allocated at the Federal level. I believe this will be a first step toward providing services to some of the most needy and vulnerable of our Nation's elderly population. •

#### ADDITIONAL COSPONSORS

S. 15

At the request of Mr. BIDEN, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 15, a bill to combat violence and crimes against women on the streets and in homes.

S. 282

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 282, a bill to direct the Director of the General Services Administration to make paper with recycled content available to the Secretary of Agriculture and for the Secretary of Agriculture to establish a pilot program within the Forest Service for the use of paper with recycled content.

S. 359

At the request of Mr. DANFORTH, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 359, a bill to amend the Internal Revenue Code of 1986 to provide that charitable contributions of appreciated property will not be treated as an item of tax preference.

S. 601

At the request of Mr. ADAMS, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 601, a bill to withhold United States military assistance for El Salvador, subject to certain conditions.

S. 893

At the request of Mr. HATCH, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 893, a bill to amend title 18, United States Code, to impose criminal sanctions for violation of software copyright.

S. 1087

At the request of Mr. HARKIN, the names of the Senator from Missouri [Mr. BOND], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Colorado [Mr. BROWN] were added as cosponsors of S. 1087, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 100th anniversary of the Pledge of Allegiance to the Flag.

S. 1372

At the request of Mr. GORE, the name of the Senator from Kentucky [Mr. McCONNELL] was added as a cosponsor of S. 1372, a bill to amend the Federal Communications Act of 1934 to prevent the loss of existing spectrum to Amateur Radio Service.

S. 1451

At the request of Mr. BIDEN, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 1451, a bill to provide for the minting of coins in commemoration of Benjamin Franklin and to enact a fire service bill of rights.

S. 1572

At the request of Mr. BREAUX, the name of the Senator from Hawaii [Mr. INOUE] was added as a cosponsor of S. 1572, a bill to amend title XVIII of the Social Security Act to eliminate the requirement that extended care services be provided not later than 30 days after a period of hospitalization of not fewer than 3 consecutive days in order to be covered under part A of the medicare program, and to expand home health services under such program.

S. 1661

At the request of Mr. SARBANES, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 1661, a bill to simplify the tariff classification of certain plastic flat goods.

S. 1673

At the request of Mr. HEFLIN, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 1673, a bill to improve the Federal justices and judges survivors' annuities program, and for other purposes.

S. 1737

At the request of Mr. DOLE, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 1737, a bill to prohibit the import from Yugoslavia of defense articles on the United States Munitions List.

## SENATE JOINT RESOLUTION 8

At the request of Mr. BURDICK, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of Senate Joint Resolution 8, a joint resolution to authorize the President to issue a proclamation designating each of the weeks beginning on November 24, 1991, and November 22, 1992, as "National Family Week."

## SENATE JOINT RESOLUTION 172

At the request of Mr. INOUE, the names of the Senator from Nevada [Mr. BRYAN], the Senator from Louisiana [Mr. JOHNSTON], and the Senator from West Virginia [Mr. BYRD] were added as cosponsors of Senate Joint Resolution 172, a joint resolution to authorize and request the President to proclaim the month of November 1991, and the month of each November thereafter, as "National American Indian Heritage Month."

## SENATE JOINT RESOLUTION 174

At the request of Mr. GRAHAM, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of Senate Joint Resolution 174, a joint resolution designating the month of May 1992, as "National Amyotrophic Lateral Sclerosis Awareness Month."

SENATE JOINT RESOLUTION 198

At the request of Mr. AKAKA, the names of the Senator from Kansas [Mr. DOLE], the Senator from Hawaii [Mr. INOUE], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of Senate Joint Resolution 198, a joint resolution to recognize contributions Federal civilian employees provided during the attack on Pearl Harbor and during World War II.

## SENATE RESOLUTION 178

At the request of Mr. KENNEDY, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of Senate Resolution 178, A resolution expressing the sense of the Senate on Chinese political prisoners and Chinese prisons.

At the request of Mr. LUGAR, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Tennessee [Mr. SASSER], and the Senator from Maine [Mr. COHEN] were added as cosponsors of Senate Resolution 178, supra.

## SENATE CONCURRENT RESOLUTION 63—DIRECTING THE SECRETARY OF THE SENATE TO MAKE CORRECTIONS IN THE ENROLLMENT OF S. 868

Mr. INOUE (for Mr. CRANSTON) submitted the following concurrent resolution; which was considered and agreed to:

## S. CON. RES. 63

*Resolved by the Senate (the House of Representatives concurring).* That, in the enrollment of the bill (S. 868) to amend title 10, United States Code, and title 38, United States Code, to improve the educational assistance benefits for members of the reserve components of the Armed Forces who served on active duty during the Persian Gulf War, to improve and clarify the eligibility of certain veterans for employment and training assistance, and for other purposes, the Secretary of the Senate shall make the following corrections:

- (1) In section 2(a), strike out "section 1413" and insert "section 3013".
- (2) In section 2(b)(1), strike out "section 1631(a)" and insert "section 3231(a)".
- (3) In section 2(b)(2), strike out "section 1631(a)(2)" and insert "section 3231(a)(2)".
- (4) In section 2(c), strike out "section 1711(a)" and insert "section 3511(a)".
- (5) In section 4, strike out "section 2014(b)(2)(A)(i)" and insert "section 4214(b)(2)(A)(i)".
- (6) In section 5, strike out "section 2011(4)" and insert "section 4211(4)".
- (7) In section 6, strike out "section 1780(a)" and insert "section 3680(a)".
- (8) Strike out "section 1795" each place it appears and insert "section 3695".

## AMENDMENTS SUBMITTED

## DEPARTMENT OF DEFENSE APPROPRIATIONS ACT FISCAL YEAR 1992

## INOUE AMENDMENT NO. 1184

Mr. INOUE proposed an amendment to the bill (H.R. 2521) making appropriations for the Department of Defense the fiscal year ending September 30, 1992, and for other purposes, as follows:

On page 11, line 21 strike "Provided further,"

On page 43, line 2, strike the ", " following "1993".

On page 57, line 3, after "30", insert "days" and line type.

## NOTICES OF HEARINGS

## SENATE SELECT COMMITTEE ON POW/MIA AFFAIRS

Mr. KERRY. Mr. President, I wish to announce that the Senate Select Committee on POW/MIA Affairs will meet in S-116 of the Capitol, the meeting room of the Committee on Foreign Relations, on Wednesday, September 25, 1991, at 12 noon, for its organizational meeting.

## SPECIAL COMMITTEE ON AGING

Mr. PRYOR. Mr. President, I would like to announce for the public that the Senate Special Committee on Aging has scheduled a hearing entitled, "Medicare Fraud and Abuse: A Neglected Emergency?" The hearing is being held to examine Medicare's responsiveness to concerns raised by older Americans about provider fraud and abuse and the manner in which carriers assign and maintain Medicare provider numbers for persons and entities who wish to participate in the program.

The hearing will take place on Wednesday, October 2, 1991, beginning at 9:30 a.m. in room 628 of the Dirksen Senate Office Building.

For further information, please contact Portia Mittelman, staff director at (202) 224-5364.

## COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee has indefinitely postponed Tuesday's full committee markup of S. 1426, the Small Business Economic Enhancement Act of 1991. For further information, please call Laura Lecky of the Small Business Committee staff at 224-5175.

## COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Wednesday, October 2, 1991, at 2 p.m. in room



SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony from Elizabeth Moler and Branko Terzic, nominees to be members of the Federal Energy Regulatory Commission.

For further information, please contact Rebecca Murphy at (202) 224-7562.

#### AUTHORITY FOR COMMITTEES TO MEET

##### SUBCOMMITTEE ON HEALTH AND FAMILIES AND THE UNINSURED

Mr. INOUE. Mr. President, I ask unanimous consent that the Subcommittee on Health for Families and the Uninsured of the Committee on Finance be authorized to meet during the session of the Senate on September 23, 1991, at 2 p.m. to hold a hearing on comprehensive reform of the health care system as a way of improving access to care and controlling cost escalation.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADDITIONAL STATEMENTS

##### TERRY ANDERSON

• Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,382d day that Terry Anderson has been held captive in Lebanon. •

##### DR. KISSINGER'S ARTICLE

• Mr. WALLOP. Mr. President, I rise to submit for the record a wonderful piece by Dr. Henry Kissinger, "Russian Minefield," from last Tuesday's September 17, 1991, Washington Post. It is the best warning that I have seen on the significance of events in the former Soviet Union and what they mean for the peoples of the former Soviet Republics and for the West. If I could sum up the article I might choose the following sentence from the article to do so: "The outcome of revolutions cannot always be deduced from their initial slogans." Dr. Kissinger goes on to reflect on Russia's historical penchant toward a strong central authority, which, in turn, has meant two things: One, expansion of its farflung borders and, two, the instability that comes with seeking security through "hegemony rather than equilibrium." As we in this body debate our future relationship with the former Soviet Union, I strongly urge my colleagues to read Dr. Kissinger's piece.

The article follows:

RUSSIAN MINEFIELD  
(By Henry Kissinger)

The collapse of communism, which only yesterday proclaimed itself the irresistible wave of the future, has produced the rare phenomenon of two revolutions taking place side by side: an anti-Communist upheaval

against 74 years of Communist rule and an ethnic revolt against 400 years of Russian imperialism.

The anti-Communist revolution is on the verge of success. The revolution against central authority has only just begun. And the players are not necessarily the same. Not every Russian who joined the fight against Communist totalitarianism will be as prepared to dismantle the state built over four centuries with Russian blood. Boris Yeltsin's warning that seceding republics cannot expect to take their Russian minorities with them shows that the Yugoslav pattern of near civil war is not inconceivable.

For the United States, these developments spell a paradox. The collapse of communism is coming about in the name of democracy and market economics, values singularly identified with America. But the outcome of revolutions cannot always be deduced from their initial slogans. Ironically, the United States, having inspired the process, may have a decreasing role in its evolution.

For the two Soviet revolutions are full of ambiguity. Not everybody destroying the Soviet Communist Party is a democrat, whatever his slogans. Many genuine democrats, especially in the Russian Republic, are against allowing self-determination to lead to secession. In most of the republics, the majority of the population wants a kind of autonomy that amounts to independence. However, more than half of the total population of the Soviet Union is Russian and may not concur.

The state of affairs is potentially explosive. Too many vested interests have grown up, too much blood has been spilled to build the present empire over a long time for it to dissolve itself by administrative fiat. The United States may well come to be faced with a choice between two versions of democracy: the preference of the majority of the total Soviet population or our historical support of ethnic self-determination. The aborted coup was led by tired remnants of an exhausted ideology. The potential of the next upheaval resides in the up-to-now silent group of young officers, managers and government official who want neither communism nor disintegration of the union. This is not a question of personalities. History will propel any president of the Russian Republic in that direction; and president of the Soviet Union will be impelled by his office to take a similar course.

Thus the real challenge to democracy in the Soviet Union still lies ahead, for four reasons:

First, in some of the republics, the so-called democratic revolutions seem like a replay of the Romanian pattern. They are in effect coups by the Communist establishment that, by changing its name, hopes to weather the Moscow storm.

Second, there is a shortage of leaders with democratic experience. Many former Soviet leaders have earned our admiration for fighting the Communist establishment. Clearly, they are seeking something different from the system in which they have held high office, and they are obviously committed to calling it democracy. But pluralism in the Western sense was not their first instinct, and it may not prove to be their last word. The same is even more true of the many careerists who delayed their switch from communism until the outcome became clear.

Third, the population, except in a few large cities, has had little experience with democracy. During the recent coup much of the countryside seems to have adopted a wait-and-see attitude and was prepared to accept

any outcome that improved economic conditions.

The fourth and biggest challenge to democracy is economic. And we are in danger of misleading ourselves as well as well-meaning admirers in the Soviet Union by an excessively exuberant advocacy. In its first stage, market economics—especially a cold-turkey move in that direction—is more likely to be a penance for the sins of the centrally planned system than a boon. There are no shortcuts around austerity.

The transition to market economics has proved extraordinarily painful wherever it has occurred. In eastern Germany, unemployment has soared to 40 percent even with an annual subsidy of \$90 billion (for a population that is 5 percent of the Soviet Union's) and the virtual takeover of the civil administration and industrial management by West German experts. In Mexico, the transition from much milder planning lowered real wages by as much as 50 percent for nearly eight years. Czechoslovakia, Hungary and Poland are at present undergoing comparable traumas.

Fledgling democratic institutions will come under severe pressures from populations undergoing such shocks. East Germany has the benefit of unconditional backing by the Federal Republic. Mexico had a modified one-party rule during its most critical period. The governments of Poland, Czechoslovakia and Hungary are buoyed by the prestige of having spearheaded the anti-Communist struggle. In all these countries, vestiges of capitalism survived, and nationalism is on the side of democracy.

None of these conditions exists in the Soviet Union. The locus of authority is unclear and contested. Regional leaders with more authority than the central government have a high incentive to blame their plight on anyone else—the vestiges of the central government, other republics, or, after awhile, even the outside world. With the nature of the market so amorphous, they will find it very hard to design a plausible free enterprise strategy.

The standard response—that the Soviet Union can help itself best by creating attractive conditions for foreign investment—is only partially true. For one thing, it is a circular argument, because the biggest obstacle to private investment is political chaos, which in turn is fed by economic distress that seems unavoidable whatever the level of aid. Moreover, amid a worldwide shortage of capital, the Soviet Union will have to compete against many other areas that are much less complicated. And Soviet needs are huge; by analogy with East Germany, they would amount to \$1.5 trillion a year for at least five years—far beyond any foreseeable private or governmental resources.

Nor will another of the remedies of conventional wisdom—privatization—provide the cure-all. Obsolete industries are not easy to sell. Some of the privatization that has taken place has paralleled the opportunistic political change in some republics. Management has simply cut loose from the ministry to which it has reported heretofore without becoming more efficient or market-oriented.

All this confronts the United States and its allies with a new challenge. The United States must tread warily through this minefield. Revolutionaries are uncomfortable companions: compromise is rarely their forte, and invocations of stability ring strangely in their ears.

We must not be seduced into believing that we can fine-tune every development, even

less than the Soviet evolution will gear itself to the prescriptives of American politics. Throughout history, Russian leaders have been known for their prickly national pride. Our missionary zeal should not be so intrusive as to trigger a backlash that could rally rationalism against those whom we think are supporting. Restraint in public advice and discrimination in official visits are prerequisites for achieving the truly essential goals.

To assist the Soviet internal revolution, we need both a concept of our national interest and an assessment of the extent to which we are able to promote that interest. These issues are before the Soviet Union; the structure of the state, the economic framework and the role of particular personalities. The comparatively easiest is the structure of the state because, quite simply, decentralization serves both the cause of democracy and of peace. A highly centralized Russian state has always maintained exorbitant armed forces and has ruthlessly expanded along all its far-flung borders. Based on two continents, it always identified security with hegemony rather than equilibrium. For four centuries, this relentless outward thrust has sapped the country's resources and undermined the well-being of its exploited population.

Perhaps the experience of the Cold war and the possession of a nuclear arsenal have reduced those historical tendencies. In any case, the industrial democracies should do nothing to suggest that they are promoting the breakup of the Soviet Union for their own purposes. But, equally, we should take great care not to encourage repressive centralizers by well-intentioned reform schemes.

Those Western leaders who insist on a strong central government as a condition for aid should remember that efficiency is not our only goal and, in Soviet conditions, probably not the most important one. Long-term economic assistance depends on the establishment of a predictable political framework, but not necessarily a centralized one. In the meantime, the industrial democracies need urgently to extend humanitarian assistance to prevent a disastrous winter. They should also seek out longer term projects where relatively rapid progress is possible, such as energy. To prevent emergency aid from becoming a weapon in a power struggle, it should be distributed in a way that takes into account the existing distribution of power between the center and the republics, perhaps applying whatever formula is agreed upon for the allocation of tax revenues between the center and the republics.

I would apply the warning against unintentionally encouraging repression even to the neuralgic issue of nuclear weapons. Of course, central control of nuclear weapons is highly desirable. But to whom and for what purpose are we addressing the repeated injunctions on that subject? The authorities in Moscow surely understand no national interest better, given its impact on national cohesion and the continued operation of deterrence. We must not encourage them to misinterpret our concern as a license to use force against the republics. Repression in the name of central control is a cure worse than the disease. Most nuclear weapons are on the territory of the Russian Republic; the few remaining in the Ukraine, Kazakhstan and Byelorussia are unlikely ever to be used against the West. The key issue is not whether nuclear weapons are under central control—which they seem to be—but whether the military structure in Moscow that controls them is subject to responsible political leadership.

One of our most difficult intellectual problems will be our attitude when democracy is challenged. In these halcyon days when everything seems possible, we should establish the maximum number of contacts with democratic institutions, especially in the republics. But somewhere down this road, we will meet setbacks. We will surely resist. There seems to me, however, one clear limiting condition; the United States must not encourage repression of the republics' autonomy by the central government as a remedy. For once repression starts, Russian history with its tragic cycles of violence and hostility to the outside world will surely take over.

I am not suggesting an active policy to undermine Soviet unity. My preferred outcome would be a loose confederation, preferably of Russia, the Ukraine, Byelorussia and Kazakhstan, together with whatever other republics may choose to join. Great Russian chauvinism, the source of much of the empire's expansionism, is less likely to become virulent in a confederated Soviet Union than if the Russian Republic is left to its own devices. But the outcome is for the peoples of the Soviet Union to decide. What we must avoid is to tempt the recurrence of a violent past. The central government as well as the republics must understand that the resort to force in relations with each other will meet the same kind of U.S. opposition as the coup itself.

The history of revolutions teaches that the greater the dislocation, the more painful the consolidation turns out to be. The Soviet upheaval has gone much too far to be identified with personalities. Mikhail Gorbachev has great historic merits, but he has unleashed forces that make it irrelevant whether or not he is more attractive than Yeltsin. Yeltsin may have autocratic tendencies, but no one has ever alleged that the road to leadership in Communist Russia has been hospitable to choir boys. We should prefer, but not require, personally attractive Soviet leaders. We do require Soviet policies compatible with the peace and progress of the world.

#### DR. MANUEL R. CEREJO

• Mr. GRAHAM. Mr. President, I rise today to honor an outstanding educator who brings tribute to his community and the teaching profession. Dr. Manuel R. Cerejo has been selected as the only Floridian and 1 of 17 recipients nationwide to receive the 1991 Hispanic Engineer National College Level-Lifetime Achievement Award.

Florida is fortunate to have the calibre of professor that Dr. Cerejo exemplifies to further the engineering career of our students, as well as to serve as role models for our young adults moving forward in today's difficult times. Dr. Cerejo personifies the achievements attainable for Hispanic men and women, and all students, when they master a field and devote their professional lives to educating others.

To Dr. Cerejo, I extend congratulations for the personal accomplishments made, for the service he has provided our community in south Florida, and for the inspiration and encouragement he has shown to future engineers whose lives he has so generously touched.

#### COLUMBUS DAY CELEBRATION

• Mr. GRAHAM. Today I rise to note the upcoming national celebration for Columbus Day, marking the historic passage of Christopher Columbus to the New World in 1492.

This year's Columbus Day will be special, because we are beginning our quinquennial year from the time Columbus set sail. This milestone will be observed by Italian-American clubs throughout the United States.

One such celebration is sponsored by the Naples Italian-American Club in Naples, FL. The Naples club is sponsoring festivities on October 11, 12, and 13, featuring Italian food, games and entertainment.

The aim of the Naples Italian-American Club is to promote Americanism and to preserve traditions of Italian heritage. So today we salute the "Columbus Day Festa" committee responsible for organizing this event: Joe Criss, chairman, Tony and Nancy Incorvati, John Frascatore, Lee Napoleon, Josi Lancia, Angelo Fico, Jim Blackburn, Marian Patalon, Lydia Tommarchi, and Bill Fote.

Mr. President, our Nation reflects a unique combination of national unity and rich diversity. As we observe the changes in the Soviet Union, we realize how rare this combination is in our world—the combination of national unity and diversity.

Florida, one of the first land masses discovered by explorers, has a special historical interest in this age of discovery centuries ago. Much of our population lives on or near the coast, so we have at least some small understanding of the courage and adventure involved in crossing the Atlantic Ocean 500 years ago in small boats with the most basic navigation equipment.

This year, as we honor the memory of Columbus, we also honor those who strive to preserve the traditions of those who followed him to the New World.

#### DR. ROBERT J. KASSAN

• Mr. GRAHAM. Mr. President, I rise today to commend the meritorious efforts and lifelong work of Dr. Robert J. Kassan. Upon retirement from a vigorous medical practice as a rheumatologist, Dr. Kassan began a second career as a volunteer. One of his crowning achievements was medical director, for 5 years, of Medivan, the medical outreach van catering to indigent seniors of Broward County. To his credit is the recognition recently received designating Dr. Kassan the "Most Outstanding Senior Volunteer" in the country, bestowed by the National Association of Area Agencies. The Florida Council on Aging also selected Dr. Kassan as the "Super Senior" in the State of Florida.

Floridians are indeed fortunate to have in our midst a person as giving and as selfless as this gentleman. Dr.



Kassan personifies the idea of volunteerism and is a wonderful example of people helping people. There is no finer way to honor our fellow man than to bring to the attention of our Nation an individual whose efforts have made a positive impact upon others less able to help themselves. Dr. Kassan is truly a "Florida Super Senior" in whom we can all take great pride.●

#### NATIONAL DEAF AWARENESS WEEK

●Mr. HARKIN. Mr. President, I am once again pleased to join the deaf and hard of hearing community in the celebration of National Deaf Awareness Week to be held September 22-28, 1991.

One year after the glorious passage of the Americans with Disabilities Act [ADA], we are now entering another landmark year, one that will see the working results of the passage of the ADA and the Television Decoder Circuitry Act, along with the reauthorization of the Education of the Deaf Act.

The passage of the ADA and the Television Decoder Circuitry Act have provided yet many more opportunities for the many millions of Americans who are deaf or hard of hearing to fully integrate into the economic, political, social, educational, and cultural mainstream.

Closed captioning provides monumental opportunities for many Americans to turn on their television set and fully understand what is being said. I am especially pleased to announce that the Zenith Corp. will include closed captioning capability into manufactured television sets this fall, 2 years before it was required to do so by the Television Decoder Circuitry Act. I commend Zenith Corp. for its active involvement in assisting to integrate deaf and hard of hearing Americans into the hearing world by passionately working with and ahead of the law.

In addition, I was pleased to be a part of another landmark event, a portion of the Senate proceedings was closed captioned in a demonstration project on April 18. The Senate floor proceedings will be closed captioned on C-SPAN beginning in early 1992. We have come a long way, from open captioning of a few shows provided by the Caption Center in Boston in the early 1970's, to closed captioning of virtually all prime-time television shows and most major sporting events today in the 1990's.

Congress begins reauthorizing the Education of the Deaf Act this year. This legislation, passed in the 99th Congress, authorized quality educational programs for deaf and hard of hearing individuals and fostered improved educational programs for deaf and hard of hearing individuals throughout the Nation.

Persons who are deaf or hard of hearing deserve nothing less than a quality

education. We have the resources to teach. We have the knowledge to share. We have the ability to promote cultural awareness of what it is like to live in a world of silence. It is up to us as a nation to open our minds and our hearts to the skills and talents of those more than 20 million Americans who are deaf or hard of hearing. That is what Deaf Awareness Week is all about.

I ask each one of you to take a moment to learn more about deafness. Take a class in American Sign Language [ASL]. Purchase a telecommunications device for the deaf [TDD] for your office or place of employment. I also recommend reading several books, such as Dr. Oliver Sacks' research into the world of the deaf, "Seeing Voices," Dr. Frank Bowe's "Changing the Rules" and "Approaching Equality," to name just a few.

Also, the National Institute on Deafness and other Communication Disorders [NIDCD] is entering its fourth year under the National Institutes of Health [NIH]. This Institute conducts basic research, training, and information dissemination in the areas of hearing, task balance, speech, language, touch, and other communication services. I am pleased with the work of the Institute and believe that it should be one of our higher public health priorities.

Thank you, Mr. President, for this opportunity to promote Deaf Awareness Week. Again, I want to salute the many millions of deaf and hard of hearing Americans for their efforts to make all of us aware of the proud heritage of their community.●

#### CRIMINAL JURISDICTION OVER INDIANS

Mr. INOUE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 229, H.R. 972 relating to a legislative reinstatement.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 972) to make permanent the legislative reinstatement, following the decision of *Duro* against *Reina* (58 U.S.L.W. 4643, May 29, 1990), of the power of Indian tribes to exercise criminal jurisdiction over Indians.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Select Committee on Indian Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

#### SECTION 1. CRIMINAL JURISDICTION OVER INDIANS.

Section 8077(d) of Public Law 101-511 (104 Stat. 1892) is amended by striking out "1991" and inserting in lieu thereof "1993".

Mr. INOUE. Mr. President, in our committee deliberations on this legislation, a number of issues have been raised. One of these issues is the definition of the term "Indian" in the Indian Civil Rights Act, as amended last year by section 8077 of Public Law 101-511. As amended, section 1301 of title 25 of the United States Code—the Indian Civil Rights Act of 1968—contains the following definition of the term "Indian":

(4) "Indian" means any person who would be subject to the jurisdiction of the United States as an Indian under section 1153, title 18, United States Code, if that person were to commit an offense listed in that section in Indian country to which that section applies.

The definition of "Indian" for purposes of 18 U.S.C. 1153 was used in the 1990 amendments to the Indian Civil Rights Act so that there would be a consistent definition of "Indian" in the exercise of jurisdiction by either the Federal Government or a tribal government. This consistency in definition assures that a person cannot assert that he is an Indian for purposes of Federal jurisdiction and seek to avail himself of another definition for purposes of avoiding tribal jurisdiction. The same would, of course, be true if a person sought to assert himself as an Indian for purposes of the exercise of tribal jurisdiction, and sought to deny his status as an Indian for purposes of a Federal prosecution.

Mr. President, I would like to make clear at the outset that the term "Indian" as used in Federal Indian law denotes a political relationship based on a person's membership in an Indian tribe. Federal laws applicable to Indians because of their status as "Indians" are sustained on the basis of this relationship. *United States v. Antelope*, 430 U.S. 641 (1977).

Title 18 does not provide a statutory definition of the term "Indian." However, Federal and State case law since the enactment of sections 1152 and 1153 on June 25, 1948, provides fairly specific guidance as to the manner in which the term "Indian" is defined for purposes of the Federal Major Crimes Act jurisdiction pursuant to 18 U.S.C. 1153. Justice Department policy, and U.S. attorney prosecutorial practice requires that a person charged as Indian be actually enrolled in a tribe. In most cases, status as an Indian for purposes of 18 U.S.C. 1153 is stipulated. However, in the event such status is contested elements of proof could require consideration of factors outlined below.

An analysis of more recent case law reveals that actual enrollment in a federally recognized tribe is usually sufficient to satisfy the Indian requirement of section 1153. Other factors which are weighed but which are not necessarily dispositive either alone or in combination include:

First, the defendant must have some degree of Indian blood, but Indian blood will not suffice without more;

Second, the defendant is recognized as an Indian by his tribe of origin and if residing on another reservation, the defendant is recognized as an Indian by the host Indian community—although recognition by either his tribe of origin or by a host Indian community does not of itself suffice;

Third, the defendant has accepted and asserted his "Indian-ness" by enrolling or seeking to enroll in an Indian tribe, and by availing himself of services available to Indians because of their status of Indians and actually being provided services by a Federal agency because of his status as an Indian—again, this is a factor to be weighted in determining whether the defendant is an Indian for purposes of section 1153, and is not necessarily determinative; and

Fourth, the fact that a defendant is eligible for enrollment in a federally recognized tribe is not dispositive of his status as an Indian for purposes of 18 U.S.C. 1153.

This is a short recitation of the criteria that has been used by the courts in determining the status of a person as an "Indian" for purposes of Federal jurisdiction. As a general rule, the issue is resolved on the basis of enrollment. The report filed by the committee to accompany this bill sets forth a review of case law of this subject.

Mr. President, a question has been raised with regard to the jurisdictional authority of a tribe over a person who is of Indian descent, but is not a member of the tribe for which the reservation was set aside. The status of this person as an "Indian" is, of course, an evidentiary question to be determined by the court. If this person does not maintain tribal relations; does not identify himself as a member of the Indian community; is not receiving benefits from the Federal Government on the basis of being Indian; and does not claim to be "Indian" for purposes of Federal Indian law, then it would not appear that that person meets the requisite criteria to be classified as "Indian" within the meaning of title 18, United States Code, and neither the tribal or Federal courts could assume jurisdiction over him on the grounds of his being "Indian."

Mr. GORTON. Mr. President, I thank the distinguished chairman of the Select Committee on Indian Affairs for his elaborating on the question of jurisdictional authority on Indian reservations. I agree with Senator INOUE's perspective on this issue. Tribal enrollment should only be one part of a court's consideration in determining "Indian-ness."

I look forward to the select committee's investigation of these issues regarding tribal authority and sovereignty in hearings over the next 2 years. For too long, the Congress of the United States has allowed Indian Americans to go without adequate civil

rights protections in the name of respecting tribal sovereignty.

In my view, Congress should allow tribes a wide degree of latitude in deciding upon their laws. Congress cannot, however, allow the exercise of whatever laws are passed by a tribe to infringe on the fundamental civil rights of an American just because of Indian ancestry.

For the record, Mr. President, I believe it is important that the chairman of the select committee, as well as the entire Senate understand my position on this issue clearly. Federal court review of Indian Civil Rights claims is an absolute necessity before any Duro overturn legislation is made permanent. Mr. President, without the inclusion of ability to appeal ICRA claims on a broader basis than the habeas corpus provision included in some legislation passed by this Congress, I cannot foresee being able to support a further or permanent extension of this law.

Mr. INOUE. The issues raised by the Senator are important issues, and issues that the select committee will address in hearings in this Congress and in the Congress that follows. On one point, the issue of jurisdiction over non-Indians, I would like to assure the Senator that this legislation does not address the issues raised by Oliphant versus Suquamish Indian Tribe, and nothing in this bill is intended to alter or affect the holding in that case.

Mr. President, among other issues that have been raised in the course of the committee's deliberations on this legislation, is the extent to which the civil rights of persons subject to tribal court are protected, and the extent to which proceedings before tribal courts are subject to review by Federal courts. The Indian Civil Rights Act was enacted in 1968 and statutorily extends to all persons with minor exception all of the protections found in the U.S. Constitution and amendments thereto. For purposes of this bill, the most important exception is that the act does not require appointment of counsel to represent indigent defendants. The other exception recognizes the fact that some tribes are founded on a theocratic basis and the act therefore does not contain any prohibition against the establishment of religion. The provisions of the Indian Civil Rights Act (25 U.S.C. 1301-1303) are set forth in full in the committee report to accompany this bill.

The other major point made during our deliberations involves the extent to which actions of tribal governments, particularly tribal court proceedings, may be subject to review by Federal courts. The Indian Civil Rights Act specifically provides that the privilege of the writ of habeas corpus shall be available to any person, in a court of the United States, to test the legality of his detention by order of an Indian tribe. The committee report to accom-

pany this bill contains a brief review of the case law applicable to habeas corpus proceedings and the scope of issues that can and have been raised under habeas corpus proceedings.

However, in an effort to assure my colleagues on the select committee that a full hearing record will be developed on the issue of access to Federal court for review of actions alleging violations of the rights protected by the Indian Civil Rights Act, I have indicated that I will schedule hearings on this matter beginning in October of this year.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "An Act to extend for 24 months the legislative reinstatement, following the decision of Duro against Reina (58 U.S.L.W. 4643, May 29, 1990), of the power of Indian tribal governments to exercise criminal jurisdiction over Indians."

Mr. INOUE. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### MAKING TECHNICAL CORRECTIONS TO S. 868

Mr. INOUE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of a concurrent resolution making technical corrections, and I send that to the desk on behalf of Senator CRANSTON.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 63) directing the Secretary of the Senate to make technical corrections in the enrollment of the bill S. 868.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

• Mr. CRANSTON. Mr. President, the purpose of this concurrent resolution is to make purely technical corrections in S. 868 as passed by the Senate on August 2 and the House on September 16. The references in that bill to sections of title 38, United States Code, do not reflect the changes made in the numbering of title 38 sections by Public Law 102-83, which was signed into law on August 6, 1991. This resolution would update the bill in order to make the necessary corrections in those references. •



The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 63) was agreed to as follows:

S. CON. RES. 63

*Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (S. 868) to amend title 10, United States Code, and title 38, United States Code, to improve the educational assistance benefits for members of the reserve components of the Armed Forces who served on active duty during the Persian Gulf war, to improve, and clarify the eligibility of certain veterans for employment and training assistance, and for the purposes, the Secretary of the Senate shall make the following corrections:*

(1) In section 2(a), strike out "section 1413" and insert "section 3013".

(2) In section 2(b)(1), strike out "section 1631(a)" and insert "section 3231(a)".

(3) In section 2(b)(2), strike out "section 1631(a)(2)" and insert "section 3231(a)(2)".

(4) In section 2(c), strike out "section 1711(a)" and insert "section 3511(a)".

(5) In section 4, strike out "section 2014(b)(2)(A)(i)" and insert "section 4214(b)(2)(A)(i)".

(6) In section 5, strike out "section 2011(4)" and insert "section 4211(4)".

(7) In section 6, strike out "section 1780(a)" and insert "section 3680(a)".

(8) Strike out "section 1795" each place it appears and insert "section 3695".

Mr. INOUE. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### RENAMING AND EXPANSION OF BOUNDARIES OF MOUND CITY GROUP NATIONAL MONUMENT

Mr. INOUE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 158, S. 749, regarding the Mound City Group National Monument.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: A bill (S. 749) to rename and expand the boundaries of the Mound City Group National Monument in Ohio.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 749

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. RENAMING.

The Mound City Group National Monument established by proclamation of the

President (Proclamation No. 1653, 42 Stat. 2298) and expanded by section 701 of Public Law 96-607 (94 Stat. 3540), shall, on and after the date of enactment of this Act, be known as the "Hopewell Culture National Historical Park". Any reference to the Mound City Group National Monument in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Hopewell Culture National Historical Park.

#### SEC. 2. EXPANSION OF BOUNDARIES.

(a) IN GENERAL.—The boundaries of the Hopewell Culture National Historical Park (referred to as the "park") are revised to include the lands within the areas marked for inclusion in the monument as generally depicted on—

(1) the map entitled "Hopeton Earthworks" numbered 353-80025 and dated July 1987;

(2) the map entitled "High Banks Works" numbered 353-80027 and dated July 1987;

(3) the map entitled "Hopewell Mound Group" numbered 353-80029 and dated July 1987; and

(4) the map entitled "Seip Earthworks" numbered 353-80033 and dated July 1987.

(b) PUBLIC INSPECTION OF MAPS.—Each map described in subsection (a) shall be on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior.

(c) ADJUSTMENT OF BOUNDARIES.—The Secretary of the Interior (referred to as the "Secretary") may, by notice in the Federal Register after receipt of public comment, make minor adjustments in the boundaries of areas added to the park by subsection (a) and other areas of the park [except to the extent that an adjustment would cause the total acreage of the park to exceed by more than 10 percent the total acreage of the park as of the date of enactment of this Act.]. *Provided, That any such minor boundary adjustments cumulatively shall not cause the total acreage of the park to increase more than 10 percent above the existing acreage of Mound City Group National Monument, plus the acreage of the inclusions authorized under section 2(a).*

(d) ACQUISITION OF LANDS.—(1) Subject to paragraph (2), the Secretary may acquire lands and interests in land within the areas added to the park by subsection (a) by donation, purchase with donated or appropriated funds, or exchange.

(2)(A) Lands and interests in land owned by the State of Ohio or a political subdivision thereof may be acquired only by donation or exchange.

(B) Lands and interests in land may be acquired by purchase at a price based on the fair market value thereof as determined by independent appraisal, consistent with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

#### SEC. 3. COOPERATIVE AGREEMENTS.

The Secretary may enter into a cooperative agreement with the Ohio Historical Society, the Archeological Conservancy, and other public and private entities for consultation and assistance in the interpretation and management of the park.

#### SEC. 4. STUDIES.

(a) AREAS ADDED BY THIS ACT.—The Secretary shall conduct archeological studies of the areas added to the park by section 2(a) and adjacent areas to ensure that the boundaries of those areas encompass the lands that are needed to provide adequate protection of the significant archeological resources of those areas.

(b) OTHER AREAS.—The Secretary shall conduct archeological studies of the areas described as the "Spruce Hill Works", the "Harness Group", and the "Cedar Bank Works", and [any] may conduct archeological studies of other areas significant to Hopewellian culture, to evaluate the desirability of adding them to the park, and shall report to Congress on any such areas that are recommended for addition to the park.

#### SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary for the acquisition of lands and interests in land within the park, the conduct of archeological studies on lands within and adjacent to the park, and the development of facilities for interpretation of the park.

Mr. METZENBAUM. Mr. President, today the Senate has passed by unanimous consent a bill that Senator GLENN and I introduced 6 months ago to save ancient cultural and archeological treasures from destruction. One of the four sites that this bill will protect had been scheduled to be bulldozed for a gravel pit.

I want to thank Senator FOWLER and Senator BINGAMAN for cosponsoring this bill. And I want to particularly thank Senator BUMPERS, chairman of the Subcommittee on Public Lands, National Parks and Forests, of the Senate Energy Committee, for his courtesy in holding a hearing so promptly after introduction of the bill. We introduced the bill on March 21, we had a hearing on May 21, and we now have Senate passage on September 23, lightning speed by Washington standards and I sincerely thank my colleague for his help and support.

I am proud of this unique part of North America's pre-Columbian history that we in Ohio and the United States have the privilege and the obligation to preserve.

This measure will protect four sites recommended by the Park Service mid-west region for addition to the Mound City Group National Monument in southern Ohio.

Mound City was established in 1923 and is the only Federal area preserving and interpreting remains of the Ohio Hopewell, a culture which archaeologists tell us thrived in eastern North America between 200 B.C. and 500 A.D.

Part of the Hopeton earthworks site is within the national historic landmark, but outside the current boundary of the monument. It is still in private ownership. Last spring, the owner—a gravel company—began removal of a 6-foot layer of topsoil to prepare for the gravel mining season.

In the process they uncovered human bones at the site. Park Service and State officials were notified and the bones verified as ancient. Native Americans removed and reinterred the bones elsewhere.

Further mining operations have been curtailed while representatives of the Park Service, the Trust for Public Land, the Archeological Conservancy, the private owner, and others work to

prevent the landmark from further destruction.

Mr. President, this legislation is necessary to protect these ancient cultural resources. If the gravel company were to expand mining in the Hopeton Mound area, this ancient site would be destroyed.

The Senate's action today sends a powerful and clear signal to the gravel company and encouragement to those working to preserve the site. With Senate passage of this bill and with swift action from our colleagues in the House of Representatives, where Congressman McEWEN has introduced a similar measure, I am confident that the site will be protected.

The Hopewell culture of southern Ohio was characterized by a highly developed prehistoric goods exchange system that linked populations throughout much of eastern North America in its day. The Hopewell culture is best known from southern Ohio where earthwork and mound sites are particularly abundant. Archeological investigations of these mortuary and ceremonial sites have produced substantial data on the ritual components of Hopewellian life. The culture was characterized by elaborate burial ritual and the presence of exotic mortuary offerings. Much less is known about the daily life of the ancient Hopewell people.

My bill will protect four of the best preserved, diverse, and archeologically rich sites chosen by archeologists from among over 100 sites in Ross County, OH. Many other sites of cultural importance have been identified in this area through archeological investigations dating back to the early 19th century. Unfortunately, many of these important archeological resources have been destroyed through the years by railroads, highways, and agricultural and commercial development.

In recognition of these factors and the significance of the remaining Hopewellian resources, the National Park and Recreation Act of 1980, Public Law 96-607, authorized up to 150 acres at the nearby Hopeton Earthworks to be added to the Mound City Group National Monument. This law also required that the Secretary of the Interior investigate other sites in the region which contain archeological data illustrating the prehistoric Hopewellian civilization and identify those sites which he determines should be protected as part of the Mound City Group National Monument.

Pursuant to the 1980 act, the midwest region of the Park Service conducted a study that recommended the addition of four additional sites of 112 Hopewellian sites in Ross County, OH. The bill passed today follows the Park Service midwest region's recommendation and protects the four sites: Hopeton Earthworks, High Banks

Works, Hopewell Mound Group, and the Seip Earthworks.

The sites recommended for addition by the Park Service and included in the bill were selected because they represent major Hopewell Earthwork complexes which still retain a reasonable degree of integrity. There is also sufficient data from earlier surface collections and excavations at these sites to document that the sites contain significant Hopewellian remains. Each of the sites included in the study represents a ceremonial center which contains a great deal of information about the culture. Each of the ceremonial centers is unique in its configuration of mounds and earthworks, and it is likely that the role each site played in the Hopewell culture was somewhat different.

While it would be desirable to also preserve Hopewell sites other than mounds or earthworks, and it is very likely that significant sites of this type are present in the study area, the Park Service found that there is insufficient data to justify a recommendation to preserve such other sites at this time.

The measure passed today authorizes the Park Service to study two additional sites for possible future inclusion in the historical park that the Park Service suggested needed additional study—the Spruce Hill Works and the Harness Group—as well as a third site, the Cedar Bank Works, that is currently listed on the National Register of Historic Places and which because of its unique design, good state of preservation, its association with protected sites, and the threat of possible destruction should be studied and considered for possible future inclusion.

The bill also renames the monument to the Hopewell Culture National Historical Park to more accurately reflect its full scope and purpose.

Since the first Europeans entered the Ohio Valley the unique remains of a great prehistoric culture has mystified and intrigued Americans. While a great deal of excavation was carried out in the 19th and early 20th century on some of these great moundbuilder sites, it is still a mystery as to who the Hopewellians were, where they came from and where they went. The great trade networks that collected exotic materials from across the continent are unexplained. The villages and habitations of the people are virtually unknown.

Scholars know little of the technology or use of the earthwork buildings of vast and accurate circles, squares, and hexagons. In the future, perhaps archaeologists will be able to use new techniques including carbon 14 dating, obsidian hydration, aerial and other remote sensing to unravel the mysterious legacy that remains from ancient times. Future research could provide much new information to the

visiting public, scholars, and greatly improve interpretation at the park.

The bill will preserve some of these unique ancient sites today for present education and enjoyment and for future research.

Again, I thank my colleagues for their support in preserving part of our unique national heritage. I also want to acknowledge and thank the Archeological Conservancy, the Trust for Public Land, the National Parks and Conservation Association, the Wilderness Society, the Nature Conservancy, the Ohio Historical Society, the Ohio State Historic Preservation Office, the National Park Service, and Ms. Erica Rosenberg of the Senate Energy Committee staff for their support and assistance.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendments.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 749), as amended, was passed as follows:

S. 749

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. RENAMING.

The Mound City Group National Monument established by proclamation of the President (Proclamation No. 1653, 42 Stat. 2298) and expanded by section 701 of Public Law 96-607 (94 Stat. 3540), shall, on and after the date of enactment of this Act, be known as the "Hopewell Culture National Historical Park". Any reference to the Mound City Group National Monument in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Hopewell Culture National Historical Park.

#### SEC. 2. EXPANSION OF BOUNDARIES.

(a) IN GENERAL.—The boundaries of the Hopewell Culture National Historical Park (referred to as the "park") are revised to include the lands within the areas marked for inclusion in the monument as generally depicted on—

(1) the map entitled "Hopeton Earthworks" numbered 353-80025 and dated July 1987;

(2) the map entitled "High Banks Works" numbered 353-80027 and dated July 1987;

(3) the map entitled "Hopewell Mound Group" numbered 353-80029 and dated July 1987; and

(4) the map entitled "Seip Earthworks" numbered 353-80033 and dated July 1987.

(b) PUBLIC INSPECTION OF MAPS.—Each map described in subsection (a) shall be on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior.

(c) ADJUSTMENT OF BOUNDARIES.—The Secretary of the Interior (referred to as the "Secretary") may, by notice in the Federal Register after receipt of public comment, make minor adjustments in the boundaries



of areas added to the park by subsection (a) and other areas of the park: *Provided*, That any such minor boundary adjustments cumulatively shall not cause the total acreage of the park to increase more than 10 per centum above the existing acreage of Mound City Group National Monument, plus the acreage of the inclusions authorized under section 2(a).

(d) ACQUISITION OF LANDS.—(1) Subject to paragraph (2), the Secretary may acquire lands and interests in land within the areas added to the park by subsection (a) by donation, purchase with donated or appropriated funds, or exchange.

(2)(A) Lands and interests in land owned by the State of Ohio or a political subdivision thereof may be acquired only by donation or exchange.

(B) Lands and interests in land may be acquired by purchase at a price based on the fair market value thereof as determined by independent appraisal, consistent with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

#### SEC. 3. COOPERATIVE AGREEMENTS.

The Secretary may enter into a cooperative agreement with the Ohio Historical Society, the Archeological Conservancy, and other public and private entities for consultation and assistance in the interpretation and management of the park.

#### SEC. 4. STUDIES.

(a) AREAS ADDED BY THIS ACT.—The Secretary shall conduct archeological studies of the areas added to the park by section 2(a) and adjacent areas to ensure that the boundaries of those areas encompass the lands that are needed to provide adequate protection of the significant archeological resources of those areas.

(b) OTHER AREAS.—The Secretary shall conduct archeological studies of the areas described as the "Spruce Hill Works", the "Harness Group", and the "Cedar Bank Works", and may conduct archeological studies of other areas significant to Hopewellian culture, to evaluate the desirability of adding them to the park, and shall report to Congress on any such areas that are recommended for addition to the park.

#### SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary for the acquisition of lands and interests in land within the

park, the conduct of archeological studies on lands within and adjacent to the park, and the development of facilities for interpretation of the park.

Mr. INOUE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### ORDERS FOR TOMORROW

Mr. INOUE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Tuesday, September 24; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SCHEDULE

Mr. INOUE. Mr. President, on behalf of the majority leader, I would like to remind Members of the Senate that on tomorrow, Tuesday, the Senate will be in session at 9 a.m. and will resume consideration of S. 1722, the unemployment compensation bill and amendments proposed thereto. The first rollcall vote on Tuesday will occur at 7 p.m.

#### RECESS UNTIL 9 A.M. TOMORROW

Mr. INOUE. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess, as under the previous order, until 9 a.m., Tuesday, September 24.

There being no objection, the Senate, at 3:52 p.m., recessed until 9 a.m., Tuesday, September 24, 1991.

#### NOMINATIONS

Executive nomination received by the Secretary of the Senate September 20, 1991, after the recess of the Senate, under authority of the order of the Senate of January 3, 1991:

##### THE JUDICIARY

EMMET GAIL SULLIVAN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR THE TERM OF 15 YEARS, VICE JAMES A. BELSON, RETIRED.

Executive nominations received by the Senate September 23, 1991:

##### THE JUDICIARY

STEVEN D. MERRYDAY, OF FLORIDA, TO BE U.S. DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

JOHN M. ROLL, OF ARIZONA, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA VICE ALFRED C. MARQUEZ, RETIRED.

##### IN THE ARMY

THE U.S. ARMY RESERVE OFFICERS NAMED HEREIN FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES IN THE GRADES INDICATED BELOW, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3371 AND 3384:

##### To be major general

BRIG. GEN. RICHARD B. BURLISON xxx-xx-x-  
BRIG. GEN. PAUL P. DE LA VERGNE xxx-xx-x-  
BRIG. GEN. GEORGE L. GUNDERMAN xxx-xx-x-  
BRIG. GEN. GENE P. HALE xxx-xx-x-  
BRIG. GEN. PAUL R. LISTER xxx-xx-x-  
BRIG. GEN. ROBERT L. MENEST xxx-xx-x-  
BRIG. GEN. ROSS G. PICKUS xxx-xx-x-  
BRIG. GEN. CLAUDE J. ROBERTS, JR. xxx-xx-x-  
BRIG. GEN. JOHN E. SCULLY, JR. xxx-xx-x-  
BRIG. GEN. JOHN E. SIMEK xxx-xx-x-  
BRIG. GEN. RONALD E. SNEED xxx-xx-x-

##### To be brigadier general

COL. DALE F. ANDRES xxx-xx-x-  
COL. WILLIAM E. BARRON xxx-xx-x-  
COL. THOMAS C. COLLINS xxx-xx-x-  
COL. ALAN E. DERGAN xxx-xx-x-  
COL. GEORGE W. GOLDSMITH, JR. xxx-xx-x-  
COL. JOHN M. GOSDIN xxx-xx-x-  
COL. WILLIAM B. HOBBS xxx-xx-x-  
COL. GEORGE O. HILLARD, III xxx-xx-x-  
COL. CHARLES A. INGRAM xxx-xx-x-  
COL. AXEL A. JOHNSON, III xxx-xx-x-  
COL. JAMES C. JOHNSON xxx-xx-x-  
COL. CALVIN LAU xxx-xx-x-  
COL. DARREL W. MCDANIEL xxx-xx-x-  
COL. JAMES M. MCDONOUGH xxx-xx-x-  
COL. MARILYN J. MUSACCHIO xxx-xx-x-  
COL. JAMES H. PHILLIPS xxx-xx-x-  
COL. STEVE L. REPICHOWSKI xxx-xx-x-  
COL. HAROLD H. SHIVELY, JR. xxx-xx-x-  
COL. CHARLES F. SMITH xxx-xx-x-  
COL. CARL J. TEGTMEIER xxx-xx-x-  
COL. PAUL C. BERGSON xxx-xx-x-